

Calendar No. 424

103D CONGRESS
2D SESSION

S. 2093

[Report No. 103-257]

A BILL

To amend and reauthorize the Federal Water Pollution Control Act, and for other purposes.

May 10 (legislative day, May 2), 1994

Read twice and placed on the calendar

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To amend and reauthorize the Federal Water Pollution Control Act, and
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IN THE SENATE OF THE UNITED STATES

MAY 10 (legislative day, MAY 2), 1994

Mr. BAUCUS, from the Committee on Environment and Public Works, re-
ported the following original bill; which was read twice and placed on the
calendar

A BILL

To amend and reauthorize the Federal Water Pollution
Control Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
4 **ERENCES.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Water Pollution Prevention and Control Act of 1994”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 this Act is as follows:

- Sec. 1. Short title; table of contents; references.
- Sec. 2. Findings and purpose.

TITLE I—WATER PROGRAM FUNDING

- Sec. 101. State revolving loan funds.
- Sec. 102. State program grants.
- Sec. 103. General program authorizations.

TITLE II—TOXIC POLLUTION PREVENTION AND CONTROL

- Sec. 201. Point source technology based controls.
- Sec. 202. Water quality criteria and standards.
- Sec. 203. Toxic pollutant phaseout.
- Sec. 204. Pretreatment program.
- Sec. 205. Pollution prevention planning.
- Sec. 206. Integrated pollution prevention and control.

TITLE III—NONPOINT POLLUTION CONTROL AND WATERSHED
PLANNING

- Sec. 301. Water quality monitoring.
- Sec. 302. Nonpoint source pollution control.
- Sec. 303. Comprehensive watershed planning and management.

TITLE IV—MUNICIPAL POLLUTION CONTROL

- Sec. 401. Combined sewer overflows.
- Sec. 402. Stormwater management.
- Sec. 403. Water conservation.

TITLE V—PERMIT PROGRAM AND ENFORCEMENT

- Sec. 501. Permit fees.
- Sec. 502. Permit program modifications.
- Sec. 503. Enforcement.

TITLE VI—PROGRAM MANAGEMENT

- Sec. 601. Water program research.
- Sec. 602. State certification.
- Sec. 603. Employee protection.
- Sec. 604. Reports to Congress.
- Sec. 605. Definitions.
- Sec. 606. Indian programs.
- Sec. 607. Clean water education.
- Sec. 608. Arid West water quality.
- Sec. 609. Ocean discharge and wastewater reclamation.
- Sec. 610. Environmental education challenge grant program.
- Sec. 611. Land acquisition.
- Sec. 612. Environmental finance.
- Sec. 613. Clean lakes.
- Sec. 614. Labor standards.
- Sec. 615. Consultation with other agencies.

- Sec. 616. Operator training and certification.
- Sec. 617. Limitation on funding.
- Sec. 618. Technical amendments to section headings.

TITLE VII—WETLANDS

- Sec. 701. Declaration of policies and goals.
- Sec. 702. Definition and delineation of wetlands.
- Sec. 703. Regulation of activities.
- Sec. 704. Permit processing improvements.
- Sec. 705. General permit improvements.
- Sec. 706. Coordination and clarification of program concerning agricultural activities.
- Sec. 707. Mitigation banks.
- Sec. 708. Grant authority for research, investigation, and training.
- Sec. 709. Reports and analysis.
- Sec. 710. Wetlands conservation, management, and restoration.
- Sec. 711. Grants to States for operation of State wetlands programs.

TITLE VIII—COASTAL PROTECTION

- Sec. 801. National estuary program.
- Sec. 802. Marine water quality criteria and standards.
- Sec. 803. National marine water quality education program.
- Sec. 804. Marine sanitation devices.
- Sec. 805. Ocean discharge criteria.
- Sec. 806. Combined sewer overflow control assistance.
- Sec. 807. Coastal beach water quality monitoring.
- Sec. 808. Marine waters report to Congress.
- Sec. 809. Definitions.

TITLE IX—INNOVATIVE TECHNOLOGY

- Sec. 901. Technology development.
- Sec. 902. Innovative production processes, technologies, and methods.
- Sec. 903. Innovative pretreatment.
- Sec. 904. Verification of innovative technologies.
- Sec. 905. Small business source assistance program.

TITLE X—INTERSTATE WATER QUALITY PROGRAMS

- Sec. 1001. Gulf of Mexico.
- Sec. 1002. Great Lakes.
- Sec. 1003. Chesapeake Bay.
- Sec. 1004. Clark Fork-Pend Oreille watershed program.
- Sec. 1005. Gulf of Maine.
- Sec. 1006. Mississippi River.
- Sec. 1007. Long Island Sound.
- Sec. 1008. Narragansett Bay.
- Sec. 1009. San Francisco Bay-Delta Estuary.
- Sec. 1010. Lake Champlain.

- 1 (c) REFERENCES TO THE FEDERAL WATER POLLU-
- 2 TION CONTROL ACT.—Whenever in this Act an amend-

1 ment or repeal is expressed in terms of an amendment
2 to, or repeal of, a section or other provision, the reference
3 shall be considered to be made to a section or other provi-
4 sion of the Federal Water Pollution Control Act (33
5 U.S.C. 1251 et seq.), except to the extent otherwise spe-
6 cifically provided.

7 **SEC. 2. FINDINGS AND PURPOSE.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) Over the past 20 years, the Federal Water
10 Pollution Control Act has resulted in great progress
11 towards achieving the goal Congress established
12 when Congress enacted such Act in 1972: “to re-
13 store and maintain the chemical, physical, and bio-
14 logical integrity of the Nation’s waters”.

15 (2) Despite this progress, significant water pol-
16 lution problems remain. Thirty percent of the waters
17 of the United States suffer varying degrees of water
18 quality impairments. Toxic pollutants, especially pol-
19 lutants causing adverse developmental effects, re-
20 main a significant threat to aquatic species and to
21 human health. Pollution from nonpoint sources
22 causes significant water quality impairments.

23 (3) There is a substantial need for water qual-
24 ity projects throughout the country. The cost of sew-

1 age treatment projects is estimated to be
2 \$130,000,000,000.

3 (4) In order to achieve further progress, addi-
4 tional resources must be made available to State and
5 municipal governments, including increased financial
6 assistance for water quality projects and increased
7 program support through permit fees.

8 (5) Substantial opportunities exist to improve
9 water pollution control by using new water pollution
10 control strategies, such as pollution prevention plan-
11 ning, water conservation, the development of innova-
12 tive pollution control technology, comprehensive wa-
13 tershed planning, and programs that protect the
14 physical and biological properties of aquatic systems.

15 (6) Substantial opportunities exist to improve
16 water pollution control by improving the operation of
17 existing programs that apply to toxic pollutants, in-
18 cluding pollutant criteria and standards, effluent
19 guidelines, pretreatment standards, and the author-
20 ity to phase out certain toxic pollutants.

21 (7) Substantial opportunities exist to improve
22 water pollution control by addressing pollution from
23 nonpoint sources, such as construction, forestry, and
24 agriculture, particularly through the use of water-

1 shed planning, targeted control measures, and finan-
2 cial assistance.

3 (8) Pollution from combined storm and sanitary
4 sewer overflows and from stormwater discharges
5 continues to cause significant water quality impair-
6 ments. A long-range strategy for control of these
7 discharges, which recognizes financial constraints, is
8 necessary.

9 (9) All dischargers to the waters of the United
10 States, including Federal agencies, have an obliga-
11 tion to comply with water quality laws. More can be
12 done to ensure that enforcement by Federal and
13 State governments and citizen groups is prompt and
14 effective.

15 (10) Among the most valuable waters of the
16 United States are wetlands. Wetlands purify water
17 by filtering pollutants and sediment, recharge
18 ground water aquifers, help control erosion along
19 coastal and riparian shorelines, protect lives and
20 property from flooding, provide essential habitat for
21 fish and wildlife, and afford abundant opportunities
22 for outdoor recreation.

23 (11) Despite the importance of wetlands, the
24 United States has lost more than half of the esti-
25 mated 220,000,000 acres of wetlands that existed in

1 colonial times. While the rate of wetlands loss has
2 slowed in recent years, the United States continues
3 to suffer significant wetlands losses.

4 (12) Substantial opportunities exist to improve
5 wetlands conservation by more effectively controlling
6 the full range of activities that destroy wetlands,
7 providing greater consistency in the implementation
8 of Federal wetlands conservation programs, simplify-
9 ing landowner compliance with the programs, and
10 encouraging the States to assume a greater role in
11 wetlands conservation.

12 (b) PURPOSE.—The purpose of this Act is to reau-
13 thorize the Federal Water Pollution Control Act in order
14 to provide expanded assistance to State and local govern-
15 ments, address remaining water pollution control prob-
16 lems, employ new pollution control strategies, enhance
17 wetlands conservation, and improve overall water program
18 implementation.

19 **TITLE I—WATER PROGRAM** 20 **FUNDING**

21 **SEC. 101. STATE REVOLVING LOAN FUNDS.**

22 (a) GRANTS TO STATES FOR ESTABLISHMENT OF
23 REVOLVING FUNDS.—

1 (1) IN GENERAL.—Subsection (a) of section
2 601 (33 U.S.C. 1381(a)) is amended to read as
3 follows:

4 “(a) GENERAL AUTHORITY.—Subject to this title,
5 the Administrator shall make capitalization grants to each
6 State for the purpose of establishing a water pollution con-
7 trol revolving fund.”.

8 (2) PROJECTS ELIGIBLE FOR ASSISTANCE.—
9 Subsection (c) of section 603 (33 U.S.C. 1383(c)) is
10 amended to read as follows:

11 “(c) PROJECTS ELIGIBLE FOR ASSISTANCE.—

12 “(1) IN GENERAL.—The funds available to each
13 State water pollution control revolving fund (re-
14 ferred to in this section as the ‘fund’) may be used
15 only for providing assistance, for projects with re-
16 spect to which the principal purpose is protecting
17 and improving water quality, to a municipality,
18 intermunicipal agency, interstate agency, State agen-
19 cy, or other person, to carry out 1 or more of the
20 following activities:

21 “(A) The construction of a publicly owned
22 treatment works, as defined in section 212, in-
23 cluding publicly owned facilities necessary to
24 comply with a permit for a discharge of
25 stormwater issued pursuant to section 402.

1 “(B) Implementing an approved manage-
2 ment program under section 319.

3 “(C) Implementing an approved conserva-
4 tion and management plan under section 320.

5 “(D) Implementing a combined stormwater
6 and sanitary sewer overflow elimination pro-
7 gram.

8 “(E) Providing assistance to a subsurface
9 sewage disposal management organization ap-
10 proved by the Administrator pursuant to sec-
11 tion 319.

12 “(F) Implementing water use efficiency
13 projects or activities, including the installation
14 of water saving plumbing fixtures that are cost
15 effective alternatives to expanding capacity for
16 treatment works that are publicly owned.

17 “(G) Carrying out projects identified in a
18 watershed plan prepared and approved pursu-
19 ant to section 321.

20 “(H) Implementing a Lakewide Manage-
21 ment Plan or Remedial Action Plan developed
22 and approved pursuant to section 118.

23 “(I) Developing and implementing pollu-
24 tion prevention plans.

1 “(J) Constructing an animal waste man-
2 agement facility approved pursuant to section
3 319.

4 “(K) Implementing a lake protection
5 project developed pursuant to section 314.

6 “(2) LIMITATION ON ASSISTANCE.—

7 “(A) DISCHARGE ACTIVITIES.—Assistance
8 provided under this subsection to a person,
9 other than a municipality, for an activity relat-
10 ed to a discharge shall be limited to an activity
11 not otherwise required by this Act or other Fed-
12 eral law.

13 “(B) OTHER ACTIVITIES.—Assistance pro-
14 vided under this subsection for projects eligible
15 pursuant to subparagraphs (G) through (J) of
16 paragraph (1) shall be limited to projects that
17 are consistent with a watershed plan prepared
18 under section 321.

19 “(C) WATERSHED PLAN IMPLEMENTA-
20 TION.—Funds allotted to a State pursuant to
21 section 604(a)(3) shall be used to assist only
22 those projects and activities eligible for assist-
23 ance pursuant to paragraph (1)(F), except that
24 an amount equal to $\frac{1}{2}$ of 1 percent of the total
25 amount allotted under section 604(a)(3) may be

1 used by any State to implement plans developed
2 on a watershed-by-watershed basis under other
3 provisions of this Act, including sections 118,
4 208, 303(e), 319, and 320.

5 “(3) REVOLVING FUND.—The fund shall be es-
6 tablished, maintained, and credited with repayments,
7 and the fund shall be available in perpetuity for as-
8 sisting eligible projects.

9 “(4) ASSISTANCE FOR CONSTRUCTING PUB-
10 LICLY OWNED TREATMENT WORKS.—Assistance pro-
11 vided pursuant to subparagraphs (A) and (D) of
12 paragraph (1) may include the cost of obtaining any
13 necessary land, easement, or right-of-way with re-
14 spect to which the recipient of assistance is not the
15 owner (at the time of receipt of assistance) that is
16 directly related to the treatment plant or outfall of
17 a publicly owned treatment works, except that the
18 amount provided as assistance may not exceed the
19 acquisition price (as determined in accordance with
20 the Uniform Relocation Assistance and Real Prop-
21 erty Acquisition Policies Act of 1970 (42 U.S.C.
22 4601 et seq.)).”.

23 (b) CAPITALIZATION GRANTS.—

24 (1) SPECIFIC REQUIREMENTS FOR CAPITALIZA-
25 TION GRANT AGREEMENTS.—

1 (A) CAPITALIZATION GRANT AGREE-
2 MENTS.—Section 602(b)(6) (33 U.S.C.
3 1382(b)(6)) is amended—

4 (i) by striking “1995” and inserting
5 “2001”; and

6 (ii) by striking “201(g)(3), 201(g)(5),
7 201(g)(6), 201(n)(1), 201(o), 204(a)(1),
8 204(a)(2),”.

9 (B) GRANTS FOR CONSTRUCTION OF
10 TREATMENT WORKS.—Section 201 (33 U.S.C.
11 1281) is amended—

12 (i) in the second sentence of sub-
13 section (g)(1), by inserting “combined
14 sewer overflow correction,” after “and ap-
15 purtenances,”;

16 (ii) in subsection (g)(5), by adding at
17 the end the following new sentence: “Not-
18 withstanding any other provision of this
19 paragraph, the Administrator may deem
20 that the requirements of this paragraph
21 have been met by a treatment works that
22 serves 10,000 or fewer individuals if the
23 treatment works has considered a group of
24 alternatives described by the Administrator
25 in guidance documents.”; and

1 (iii) in subsection (o), in the matter
 2 preceding paragraph (1), by inserting after
 3 “assist applicants for grant assistance
 4 under this title” the following: “(except for
 5 any applicant for grant assistance for a
 6 publicly owned treatment works that serves
 7 10,000 or fewer individuals)”.

8 (C) USER CHARGES.—Subparagraph (A)
 9 of the first sentence of section 204(b)(1) (33
 10 U.S.C. 1284(b)(1)(A)) is amended by striking
 11 “proportionate”.

12 (2) DEDICATED SOURCE.—Section
 13 603(d)(1)(C) (33 U.S.C. 1383(d)(1)(C)) is amended
 14 by inserting “for a project eligible under subpara-
 15 graph (A), (D), or (E) of subsection (c)(1)” after “a
 16 loan”.

17 (3) CONSISTENCY WITH PLANNING REQUIRE-
 18 MENTS.—Section 603(f) (33 U.S.C. 1383(f)) is
 19 amended—

20 (A) by striking “is consistent with” and in-
 21 serting “is not inconsistent with”; and

22 (B) by striking “and 320” and inserting
 23 “320, and 321”.

24 (c) TECHNICAL ASSISTANCE FOR SMALL SYSTEMS.—
 25 Section 602 (33 U.S.C. 1382) is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (2), by inserting “except
3 as provided in subsection (c),” before “the
4 State will deposit”; and

5 (B) in paragraph (3), by inserting “except
6 as provided in subsection (c),” before “the
7 State will enter”; and

8 (2) by adding at the end the following new sub-
9 section:

10 “(c) TECHNICAL ASSISTANCE FOR SMALL SYS-
11 TEMS.—

12 “(1) DEFINITIONS.—As used in this subsection:

13 “(A) SMALL SYSTEM.—The term ‘small
14 system’ means a publicly owned treatment
15 works or a subsurface sewage disposal system
16 that serves 10,000 or fewer individuals.

17 “(B) TECHNICAL ASSISTANCE.—The term
18 ‘technical assistance’ includes technical and fi-
19 nancial management assistance provided by a
20 State to a small system. The term includes as-
21 sistance provided by a State for the planning
22 and design of a small system (referred to in
23 this subsection as ‘facility planning and de-
24 sign’).

1 “(2) VALUE OF PLANNING AND DESIGN ASSIST-
2 ANCE.—The value of planning and design assistance
3 provided to a small system shall be repaid as part
4 of any loan provided to the small system pursuant
5 to this title.

6 “(3) TECHNICAL ASSISTANCE.—

7 “(A) IN GENERAL.—

8 “(i) OFFSET.—Subject to subpara-
9 graphs (B) and (C), each State may re-
10 duce the amount that would otherwise be
11 required to be deposited by the State as
12 State matching funds under subsection
13 (b)(2) by the amount equal to the value of
14 technical assistance provided by the State,
15 from funds made available by the State.

16 “(ii) TREATMENT OF OFFSET WITH
17 RESPECT TO BINDING COMMITMENTS.—
18 Subject to subparagraph (B), each State
19 may reduce the amount of assistance pro-
20 vided in accordance with binding commit-
21 ments that would otherwise be required
22 under subsection (b)(3) by an amount
23 equal to the value of the offset of State
24 matching funds made pursuant to this
25 paragraph.

1 “(B) MAXIMUM OFFSET.—For each State,
 2 the total amount of the offset of State matching
 3 funds made pursuant to this paragraph for a
 4 fiscal year may not exceed the greater of—

5 “(i) an amount equal to 2 percent of
 6 the amount of the capitalization grant re-
 7 ceived by the State pursuant to this sec-
 8 tion; or

9 “(ii) \$100,000.

10 “(C) ASSISTANCE FOR PLANNING AND DE-
 11 SIGN.—To provide assistance for a small system
 12 that does not receive a loan under this title, the
 13 State may use a portion of the amount referred
 14 to in subparagraph (B) to provide a grant for
 15 facility planning and design. The amount of the
 16 grant award may not exceed 50 percent of the
 17 cost of the facility planning and design.”.

18 (d) ASSISTANCE FOR DISADVANTAGED COMMU-
 19 NITIES.—

20 (1) IN GENERAL.—Subsection (h) of section
 21 603 (33 U.S.C. 1383(h)) is amended to read as
 22 follows:

23 “(h) ASSISTANCE FOR DISADVANTAGED COMMU-
 24 NITIES.—

1 “(1) DISADVANTAGED COMMUNITY DEFINED.

2 As used in this subsection, the term ‘disadvantaged
3 community’ means the service area of a publicly
4 owned treatment works with respect to which the av-
5 erage annual residential sewage treatment charges
6 for a user of the treatment works meet affordability
7 criteria established by the State in which the treat-
8 ment works is located (after providing for public re-
9 view and comment) in accordance with guidelines to
10 be established by the Administrator in cooperation
11 with the States.

12 “(2) LOAN FORGIVENESS.—In any case in
13 which the State makes a loan pursuant to subsection
14 (d)(1) to a disadvantaged community or to a com-
15 munity that the State expects to become a disadvan-
16 taged community, the State may, notwithstanding
17 subsections (c) and (d) and section 601(c)(3), pro-
18 vide such additional subsidization (including the for-
19 giveness of principal) for projects for the commu-
20 nities as is necessary to ensure conformity with af-
21 fordability criteria established by the State.

22 “(3) GRANT OR LOAN AMOUNT.—The total
23 amount of loan forgiveness made by a State pursu-
24 ant to paragraph (2) to a disadvantaged community
25 or to a community that the State expects to become

1 a disadvantaged community may not exceed
2 \$20,000,000.

3 “(4) TOTAL AMOUNT OF LOAN FORGIVENESS.—
4 For each fiscal year, the total amount of loan for-
5 giveness made by a State pursuant to paragraph (2)
6 may not exceed 20 percent of the amount of the cap-
7 italization grant received by the State for the year.”.

8 (2) LOAN REPAYMENT.—Section 603(d)(1) (33
9 U.S.C. 1383(d)(1)) is amended by striking subpara-
10 graph (B) and inserting the following new subpara-
11 graph:

12 “(B) annual principal and interest pay-
13 ments will commence not later than 1 year after
14 the date of completion of any project and all
15 loans will be fully amortized not later than 20
16 years after the date of project completion, ex-
17 cept that in the case of a disadvantaged com-
18 munity (as defined in subsection (h)(1)), a
19 State may provide an extended term for a loan,
20 if the extended term—

21 “(i) terminates not later than the date
22 that is 30 years after the date of project
23 completion; and

24 “(ii) does not exceed the expected de-
25 sign life of the project.”.

1 (e) WATER POLLUTION CONTROL REVOLVING LOAN
2 FUNDS.—

3 (1) GRANTS TO CERTAIN STATES.—Section 603
4 (42 U.S.C. 1383) is amended by adding at the end
5 the following new subsection:

6 “(i) ASSISTANCE TO CERTAIN STATES AND TERRI-
7 TORIES.—

8 “(1) IN GENERAL.—The sums authorized to be
9 appropriated for capitalization grants under this
10 title to American Samoa, Guam, the Commonwealth
11 of the Northern Mariana Islands, the Republic of
12 Palau, the United States Virgin Islands, and the
13 District of Columbia may be used for construction
14 grants under title II at the request of the chief exec-
15 utive of the entity.

16 “(2) REQUIREMENTS FOR PUBLICLY OWNED
17 TREATMENT WORKS.—

18 “(A) IN GENERAL.—Except as provided in
19 subparagraph (B), each publicly owned treat-
20 ment works that receives assistance under this
21 subsection shall be required to meet the re-
22 quirements of this Act in the same manner as
23 is required for each publicly owned treatment
24 works that receives assistance under title II.

1 “(B) EXCEPTION.—In the case of a pub-
2 licly owned treatment works in the District of
3 Columbia, the matching percentage required
4 under title II shall be 20 percent.

5 “(3) INNOVATIVE PROJECTS.—Notwithstanding
6 any other provision of this title, if the Administrator
7 finds that an innovative or alternative process or
8 technology funded pursuant to title II has not met
9 design performance specifications and has signifi-
10 cantly increased capitalization or operation or main-
11 tenance costs, and such failure of the process or
12 technology to meet design specifications is not at-
13 tributable to negligence on the part of any person,
14 a State may use funds allotted to the State pursuant
15 to this title to award a grant for up to 100 percent
16 of the cost of a modification or replacement of the
17 process or technology.”.

18 (2) ADMINISTRATIVE COSTS.—Section
19 603(d)(7) (33 U.S.C. 1383(d)(7)) is amended by in-
20 serting before the period at the end the following: “,
21 or, at the request of the State and with the approval
22 of the Administrator, up to ½ percent of the sum
23 of the total amount of the capitalization grants
24 made to the State under this title and funds depos-

1 ited by the State from sums made available by the
2 State”.

3 (3) MANAGEMENT OF FUNDS.—The first sen-
4 tence of section 205(g)(1) (33 U.S.C. 1285(g)(1)) is
5 amended by striking “ending before October 1,
6 1994” and inserting “ending before October 1,
7 1997”.

8 (f) ALLOTMENT OF FUNDS.—Subsection (a) of
9 section 604 (33 U.S.C. 1384(a)) is amended to read as
10 follows:

11 “(a) FORMULA.—

12 “(1) FISCAL YEARS 1995–1998.—The Adminis-
13 trator shall, not later than 90 days prior to the be-
14 ginning of each fiscal year, allot the amounts, other
15 than amounts reserved pursuant to paragraph (3),
16 appropriated for each of fiscal years 1995, 1996,
17 1997, and 1998 as authorized by section 607 among
18 States according to the following table:

Alabama	0.0074880
Alaska	0.0060890
Arizona	0.0088534
Arkansas	0.0066525
California	0.0724306
Colorado	0.0062103
Connecticut	0.0154580
Delaware	0.0050000
District of Columbia	0.0050000
Florida	0.0418628
Georgia	0.0171463
Hawaii	0.0062055
Idaho	0.0050000
Illinois	0.0503257
Indiana	0.0299366
Iowa	0.0063147

Kansas	0.0091679
Kentucky	0.0148847
Louisiana	0.0103317
Maine	0.0078667
Maryland	0.0163670
Massachusetts	0.0497215
Michigan	0.0377578
Minnesota	0.0109359
Mississippi	0.0062294
Missouri	0.0152878
Montana	0.0050000
Nebraska	0.0052082
Nevada	0.0050000
New Hampshire	0.0074891
New Jersey	0.0447309
New Mexico	0.0050000
New York	0.1460189
North Carolina	0.0265241
North Dakota	0.0050000
Ohio	0.0492381
Oklahoma	0.0062119
Oregon	0.0123016
Pennsylvania	0.0404575
Rhode Island	0.0068288
South Carolina	0.0062527
South Dakota	0.0050000
Tennessee	0.0147360
Texas	0.0360380
Utah	0.0053643
Vermont	0.0050000
Virginia	0.0233919
Washington	0.0210686
West Virginia	0.0169661
Wisconsin	0.0132526
Wyoming	0.0050000
American Samoa	0.0002793
Guam	0.0003569
Northern Marianas	0.0003336
Palau	0.0001239
Puerto Rico	0.0127526
Virgin Islands	0.0005508.

1 “(2) FISCAL YEARS 1999–2000.—

2 “(A) IN GENERAL.—The Administrator
3 shall, not later than 90 days prior to the begin-
4 ning of each fiscal year, allot amounts, other
5 than amounts reserved pursuant to paragraph
6 (3), appropriated for each of fiscal years 1999

1 and 2000 as authorized by section 607 among
2 the States in the ratio that the documented cost
3 of constructing all publicly owned treatment fa-
4 cilities in categories I, II, III, IV, and V (as de-
5 fined in the 1992 Needs Survey and as set
6 forth in the most recent needs assessment com-
7 piled pursuant to section 516(b)) bears to the
8 cost of constructing the publicly owned treat-
9 ment facilities in all of the States.

10 “(B) MINIMUM SHARE.—Each of the 50
11 States shall receive not less than $\frac{1}{2}$ of 1 per-
12 cent of the sums allotted pursuant to this para-
13 graph.

14 “(C) MINIMUM ALLOCATION.—Except as
15 provided in subparagraph (B), no State shall
16 receive an allotment under this paragraph that
17 is less than 90 percent of the proportionate
18 share received in fiscal year 1997.

19 “(D) REDUCTION OF FUNDS.—The Ad-
20 ministrator is authorized to reduce proportion-
21 ally the funds allotted to any State under this
22 paragraph that receives an allotment greater
23 than that received in fiscal year 1997, to ensure
24 the availability of funds to carry out subpara-
25 graph (C).

1 “(3) WATERSHED PLANNING.—

2 “(A) RESERVATION OF FUNDS.—Of the
3 amounts appropriated as authorized by section
4 607 in each fiscal year, the Administrator shall,
5 prior to making any allocation under paragraph
6 (1) or (2), reserve for the purposes of this para-
7 graph, the following percentages:

8 “(i) 5 percent in fiscal year 1996.

9 “(ii) 10 percent in fiscal year 1997.

10 “(iii) 15 percent in fiscal year 1998.

11 “(iv) 20 percent in fiscal year 1999.

12 “(v) 25 percent in fiscal year 2000.

13 “(B) ALLOCATION TO STATES.—The Ad-
14 ministrator shall allot the amounts reserved
15 pursuant to this paragraph among States in
16 each fiscal year based on a formula reflecting
17 the cost and water quality benefits of projects
18 included in comprehensive watershed manage-
19 ment plans approved by the Administrator pur-
20 suant to section 321. Each State shall receive
21 that portion of the funds that bears the same
22 ratio to the amounts made available for allot-
23 ment under this subparagraph as the total
24 amount of costs of projects eligible for assist-
25 ance under section 603(c)(1)(G) for the State

1 bears to the total amount of costs of projects el-
 2 igible for assistance under section 603(c)(1)(G)
 3 for all States, except that the Administrator
 4 may adjust the ratio to give greater weight in
 5 the formula to low-cost, non-structural projects
 6 with commensurately larger water quality bene-
 7 fits. Each of the 50 States shall receive not less
 8 than $\frac{1}{2}$ of 1 percent of the sums allotted pursu-
 9 ant to this paragraph.”.

10 (g) REALLOTMENT OF UNOBLIGATED FUNDS.—Sec-
 11 tion 604(c)(2) (33 U.S.C. 1384(c)(2)) is amended by
 12 striking the first sentence and inserting the following new
 13 sentence: “The amount of any allotment not obligated by
 14 the State by the last day of the 2-year period of availabil-
 15 ity established by paragraph (1) shall be immediately real-
 16 lotted by the Administrator on the basis of the same ratio
 17 as is applicable to sums allotted under paragraph (1) or
 18 (2) of subsection (a) for the second fiscal year of the 2-
 19 year period.”.

20 (h) PLANNING FUNDS.—Subsection (b) of section
 21 604 (33 U.S.C. 1384(b)) is amended to read as follows:

22 “(b) RESERVATION OF FUNDS FOR PLANNING.—To
 23 carry out planning under sections 205(j)(2), 303(e), and
 24 321, each State shall reserve for each fiscal year the
 25 greater of—

1 “(1) an amount not to exceed 3 percent of the
2 funds allotted to the State under this section for the
3 fiscal year; or

4 “(2) \$250,000.”.

5 (i) INTEREST SUBSIDY.—Section 603(d) (33 U.S.C.
6 1383(d)) is amended—

7 (1) by redesignating paragraphs (5) through
8 (7) as paragraphs (6) through (8), respectively; and

9 (2) by inserting after paragraph (4) the follow-
10 ing new paragraph:

11 “(5) as a source of revenue or security for the
12 payment of interest on a local obligation, except that
13 no funds made available directly by capitalization
14 grants under this title or funds provided by the
15 State as matching funds for the grants may be used
16 for the purpose described in this paragraph;”.

17 (j) AUTHORIZATION OF APPROPRIATIONS.—Section
18 607 (33 U.S.C. 1387) is amended—

19 (1) by striking “There is authorized” and in-
20 serting “(a) IN GENERAL.—Except as provided in
21 subsection (b), there are authorized”;

22 (2) in subsection (a) (as so designated)—

23 (A) in paragraph (4), by striking “and” at
24 the end;

1 (B) in paragraph (5), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (C) by adding at the end the following new
4 paragraph:

5 “(6) \$2,500,000,000 for each of fiscal years
6 1995 through 2000.”; and

7 (3) by adding at the end the following new sub-
8 section:

9 “(b) DEFICIT REDUCTION.—

10 “(1) FISCAL YEARS 1996 THROUGH 1998.—If,
11 with respect to any of fiscal years 1996 through
12 1998, the estimate of the on-budget deficit contained
13 in the most recent mid-session review of the budget
14 prepared pursuant to section 1106 of title 31, Unit-
15 ed States Code, does not exceed the on-budget defi-
16 cit specified for the fiscal year in section 2 of the
17 conference report to accompany House Concurrent
18 Resolution 64, setting forth the congressional budget
19 of the United States Government for fiscal years
20 1994 through 1998, as passed by the Senate on
21 April 1, 1993, the amount authorized to be appro-
22 priated under subsection (a) for the fiscal year shall
23 be increased by—

24 “(A) for fiscal year 1996, \$500,000,000;

1 “(B) for fiscal year 1997, \$1,000,000,000;

2 and

3 “(C) for fiscal year 1998, \$1,500,000,000.

4 “(2) FISCAL YEARS 1999 AND 2000.—If, with re-
 5 spect to fiscal year 1999 or 2000, the estimate of
 6 the on-budget deficit contained in the most recent
 7 mid-session review of the budget prepared pursuant
 8 to section 1106 of title 31, United States Code, does
 9 not exceed the estimate for the preceding fiscal year,
 10 the amount authorized to be appropriated under
 11 subsection (a) for the fiscal year shall be increased
 12 by—

13 “(A) for fiscal year 1999, \$2,000,000,000;

14 and

15 “(B) for fiscal year 2000,
 16 \$2,500,000,000.”.

17 (k) CONSTRUCTION GRANTS.—

18 (1) AMENDMENTS TO TITLE II.—Title II (33
 19 U.S.C. 1281 et seq.) is amended—

20 (A) in section 205(c)(3) (33 U.S.C.
 21 1285(c)(3))—

22 (i) in the paragraph heading, by strik-
 23 ing “1987–1990” and inserting “1987–2000”;

1 (ii) by striking “1987, 1988, 1989,
2 and 1990” and inserting “1987 through
3 2000”; and

4 (iii) by striking the last sentence (in-
5 cluding the table); and

6 (B) in section 218(c) (33 U.S.C. 1298(c)),
7 by striking “\$10,000,000” and inserting
8 “\$25,000,000”.

9 (2) CONSTRUCTION GRANTS.—The matter
10 under the heading “CONSTRUCTION GRANTS” under
11 the heading “ENVIRONMENTAL PROTECTION AGEN-
12 CY” in title III of the Departments of Veterans Af-
13 fairs and Housing and Urban Development, and
14 Independent Agencies Appropriations Act, 1990
15 (Public Law 101–144; 103 Stat. 858) is amended by
16 striking all after “Ware Shoals, South Carolina” and
17 inserting a period.

18 (3) STATE MANAGEMENT FUNDS.—The first
19 sentence of section 205(g)(1) (33 U.S.C.
20 1285(g)(1)) is amended—

21 (A) by striking “\$400,000” and inserting
22 “\$500,000”; and

23 (B) by inserting before the period at the
24 end the following: “, or a greater amount as de-

1 terminated by the Administrator after consulta-
2 tion with the State”.

3 (l) RESERVATION OF FUNDS FOR NEW YORK.—The
4 Administrator of the Environmental Protection Agency
5 shall reserve from funds allotted to the State of New York
6 pursuant to section 604(a)(1) of the Federal Water Pollu-
7 tion Control Act (33 U.S.C. 1384(a)(1)) \$20,000,000 for
8 each of fiscal years 1996 through 2000. Funds reserved
9 pursuant to this subsection shall be available to make a
10 grant to implement a plan for the elimination of dis-
11 charges to Onondaga Lake, New York, and for related ac-
12 tivities. Funds reserved pursuant to this subsection shall
13 remain available for obligation in the year in which the
14 funds were appropriated and the following fiscal year. For
15 each fiscal year, any funds reserved pursuant to this sub-
16 section that are not obligated pursuant to this subsection
17 shall be added to the amounts made available to the State
18 of New York pursuant to title VI of such Act (33 U.S.C.
19 1381 et seq.) in the following fiscal year.

20 **SEC. 102. STATE PROGRAM GRANTS.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
22 106(a) (33 U.S.C. 1256(a)) is amended—

23 (1) by inserting after “(a)” the following new
24 subsection heading: “AUTHORIZATION OF APPRO-
25 PRIATIONS.—”;

1 (2) in paragraph (1), by striking “and” at the
2 end;

3 (3) in paragraph (2), by striking “for grants to
4 States” and all that follows through the end of the
5 paragraph; and

6 (4) by adding at the end the following new
7 paragraphs:

8 “(3) such sums as may be necessary for each
9 of fiscal years 1991 through 1994; and

10 “(4) \$150,000,000 for each of fiscal years 1995
11 through 2000.”.

12 (b) STATE PROGRAM.—Subsection (b) of section 106
13 (33 U.S.C. 1256(b)) is amended to read as follows:

14 “(b) STATE PROGRAM.—From the sums made avail-
15 able pursuant to subsection (a), the Administrator shall
16 make grants to the States and to interstate agencies to
17 support the administration of comprehensive State water
18 pollution control programs for the prevention, reduction,
19 and elimination of water pollution, including enforcement
20 directly or through appropriate State law enforcement of-
21 ficers or agencies. The Administrator shall give preference
22 for grant assistance under this section to States that have
23 established a program under section 123.”.

24 (c) ALLOTMENTS.—Subsection (c) of section 106 (33
25 U.S.C. 1256(c)) is amended to read as follows:

1 “(c) ALLOTMENTS.—Sums made available by appro-
2 priation pursuant to subsection (a) for any fiscal year
3 shall be allotted to States and interstate agencies on the
4 basis of the extent of water pollution problems in the
5 respective States and the other requirements of this
6 section.”.

7 (d) STATE SHARE.—Subsection (d) of section 106
8 (33 U.S.C. 1256(d)) is amended to read as follows:

9 “(d) STATE SHARE.—

10 “(1) GRANT CONDITION.—A grant made to a
11 State or interstate agency pursuant to this section
12 shall be made on the condition that the State or
13 interstate agency provide from non-Federal funds an
14 amount determined by multiplying the amount allot-
15 ted to the State or interstate agency pursuant to
16 subsection (c) by the applicable percentage specified
17 in paragraph (2).

18 “(2) APPLICABLE PERCENTAGE.—The applica-
19 ble percentage referred to in paragraph (1) shall
20 be—

21 “(A) 30 percent for fiscal year 1995;

22 “(B) 40 percent for fiscal year 1996; and

23 “(C) 50 percent for each fiscal year there-
24 after.”.

1 (e) EMERGENCY POWERS.—Section 106(e) (33
2 U.S.C. 1256(e)) is amended—

3 (1) by inserting after “(e)” the following new
4 subsection heading: “EMERGENCY POWERS.—”; and

5 (2) by striking “program—” and all that fol-
6 lows through “(2)” and inserting “program”.

7 (f) OTHER AGENCIES.—Section 106 (33 U.S.C.
8 1256) is amended by adding at the end the following new
9 subsection:

10 “(h) OTHER AGENCIES.—A State that receives a
11 grant under this section may reserve an amount equal to
12 not more than 20 percent of the amount of the grant to
13 support the participation by substate regional comprehen-
14 sive planning agencies in water quality planning activities,
15 including participation by the agencies in the development
16 and periodic revision of a continuing water quality plan-
17 ning process pursuant to section 303(e).”.

18 (g) PERFORMANCE GOALS AND INDICATORS.—Sec-
19 tion 106 (33 U.S.C. 1256), as amended by subsection (f),
20 is further amended by adding at the end the following new
21 subsection:

22 “(i) PERFORMANCE GOALS AND INDICATORS.—

23 “(1) IN GENERAL.—The Administrator shall,
24 after consultation with the Comptroller General of
25 the United States and the water pollution control of-

1 officials of the several States, identify national goals
2 for the water quality protection and restoration pro-
3 grams established under this Act, including the goals
4 established by section 101, and develop performance
5 measures and indicators by which attainment of the
6 goals can be measured.

7 “(2) GUIDANCE TO THE STATES.—Not later
8 than 2 years after the date of enactment of this sub-
9 section, the Administrator shall publish guidance for
10 the operation of Federal and State water quality
11 programs providing for performance-based evalua-
12 tion of the programs. The guidance shall—

13 “(A) identify water quality goals for the
14 programs, including attainment and mainte-
15 nance of water quality standards for waters of
16 various types;

17 “(B) specify performance measures and in-
18 dicators by which achievement of program goals
19 can be measured;

20 “(C) reflect regional variations in water
21 quality conditions and problems and new devel-
22 opments in science and technology; and

23 “(D) identify data collection practices nec-
24 essary to support the development of perform-
25 ance measures and indicators.

1 “(3) EXISTING DATA.—In developing the guid-
 2 ance required by paragraph (2), the Administrator
 3 shall consider the utility of available data and infor-
 4 mation systems and the costs of collecting, storing,
 5 and retrieving additional data.

6 “(4) REPORTING.—The Administrator shall in-
 7 clude program performance indicators developed
 8 pursuant to this subsection in reports prepared pur-
 9 suant to section 305(c).”.

10 (h) CONFORMING AMENDMENT.—The section head-
 11 ing of section 106 (33 U.S.C. 1256) is amended to read
 12 as follows:

13 “GRANTS FOR POLLUTION CONTROL PROGRAM”.

14 **SEC. 103. GENERAL PROGRAM AUTHORIZATIONS.**

15 Section 517 (33 U.S.C. 1376) is amended—

16 (1) by striking “and” before “\$135,000,000”;
 17 and

18 (2) by inserting before the period at the end the
 19 following: “, such sums as may be necessary for each
 20 of fiscal years 1991 through 1993, \$185,000,000 for
 21 each of fiscal years 1994 and 1995, \$190,000,000
 22 for each of fiscal years 1996 and 1997,
 23 \$195,000,000 for each of fiscal years 1998 and
 24 1999, and \$200,000,000 for fiscal year 2000.”.

1 **TITLE II—TOXIC POLLUTION**
2 **PREVENTION AND CONTROL**

3 **SEC. 201. POINT SOURCE TECHNOLOGY BASED CONTROLS.**

4 (a) EFFLUENT GUIDELINES.—Section 304(b) (33
5 U.S.C. 1314(b)) is amended—

6 (1) in paragraph (1)—

7 (A) in subparagraph (A)—

8 (i) by striking “currently”; and

9 (ii) by striking “and” at the end of
10 the subparagraph;

11 (B) by inserting “and” at the end of sub-
12 paragraph (B); and

13 (C) by adding at the end the following new
14 subparagraph:

15 “(C) in determining the best practicable control
16 technology available, give highest priority, consistent
17 with the factors identified in subparagraph (B), to
18 source reduction measures and practices, including
19 changes in production processes, that reduce, avoid,
20 or eliminate the generation of pollutants, including
21 toxic or hazardous byproducts.”;

22 (2) in paragraph (2)—

23 (A) by striking “and” at the end of sub-
24 paragraph (A);

1 (B) by inserting “and” at the end of sub-
2 paragraph (B); and

3 (C) by adding at the end the following new
4 subparagraph:

5 “(C) in determining the best practices and
6 measures, give highest priority, consistent with the
7 factors identified in subparagraph (B), to source re-
8 duction measures and practices, including changes in
9 production processes, that reduce, avoid, or elimi-
10 nate the generation of pollutants, including toxic or
11 hazardous byproducts.”;

12 (3) by striking “and” at the end of paragraph
13 (3);

14 (4) by striking the period at the end of para-
15 graph (4) and inserting “; and”; and

16 (5) by adding at the end the following new
17 paragraphs:

18 “(5) identify control measures available to pro-
19 hibit or limit the release of pollutants associated
20 with wastewater that are subject to a guideline
21 under this subsection to other environmental media
22 (including ground water), taking into account the
23 cost of achieving the prohibition or limitation on re-
24 leases; and

1 “(6) prohibit specific control measures or prac-
 2 tices that the Administrator determines are likely to
 3 have a significant adverse effect on any environ-
 4 mental medium.”.

5 (b) NEW SOURCE PERFORMANCE STANDARDS.—Sec-
 6 tion 306(a)(1) (33 U.S.C. 1316(a)(1)) is amended—

7 (1) by striking “(1) The” and inserting the fol-
 8 lowing:

9 “(1) STANDARD OF PERFORMANCE.—

10 “(A) IN GENERAL.—The”; and

11 (2) by adding at the end the following new sub-
 12 paragraph:

13 “(B) FACTORS TO BE CONSIDERED.—In
 14 determining the best available demonstrated
 15 control technology, the Administrator shall—

16 “(i) give highest priority, consistent
 17 with the factors identified in subparagraph
 18 (A), to source reduction measures and
 19 practices, including changes in production
 20 processes, that reduce, avoid, or eliminate
 21 the generation of pollutants, including
 22 toxic or hazardous byproducts;

23 “(ii) prohibit or limit the release of
 24 pollutants associated with wastewater that
 25 are subject to a standard pursuant to this

1 section to other environmental media (in-
 2 cluding ground water) to the greatest de-
 3 gree that the Administrator determines
 4 achievable through application of best dem-
 5 onstrated control technology, processes, op-
 6 erating methods, or other alternatives for
 7 the category or class of sources to which
 8 the standard applies; and

9 “(iii) prohibit specific control meas-
 10 ures or practices that the Administrator
 11 determines are likely to have a significant
 12 adverse impact on any environmental
 13 medium.”.

14 (c) PRETREATMENT STANDARDS.—

15 (1) IN GENERAL.—Subsection (b) of section
 16 307 (33 U.S.C. 1317(b)) is amended to read as
 17 follows:

18 “(b) PRETREATMENT STANDARDS.—

19 “(1) IN GENERAL.—The Administrator shall,
 20 after notice and opportunity for public comment,
 21 promulgate regulations establishing pretreatment
 22 standards for the introduction of pollutants into any
 23 treatment works (as defined in section 212) that is
 24 publicly owned. The regulations promulgated under
 25 this section shall—

1 “(A) address, at a minimum, each pollut-
2 ant subject to an effluent guideline under sec-
3 tion 301 or 304 for sources in the same class
4 or category, unless the Administrator deter-
5 mines that the pollutant is biodegradable and
6 publicly owned treatment works will achieve a
7 level of treatment for the pollutant equivalent
8 to the level of treatment that would be required
9 if the pollutant was discharged and subject to
10 a guideline published pursuant to section
11 304(b); and

12 “(B) be established to prevent the dis-
13 charge of any pollutant through the treatment
14 works that—

15 “(i) interferes with, passes through,
16 or is otherwise incompatible with the treat-
17 ment works; or

18 “(ii) causes or contributes to the con-
19 tamination of or prevents the beneficial
20 reuse of sewage sludge.

21 “(2) REQUIREMENTS FOR CATEGORICAL
22 PRETREATMENT STANDARDS.—Each pretreatment
23 standard for a particular industrial category estab-
24 lished under paragraph (1) shall—

1 “(A) reflect the application of the best con-
2 trol measures and practices achievable for the
3 class or category of sources to which the stand-
4 ard applies considering the factors set forth in
5 sections 301 and 304(b)(2);

6 “(B) with respect to the determination of
7 the best control measures and practices under
8 subparagraph (A), give highest priority, consist-
9 ent with the factors identified in subparagraph
10 (A), to source reduction measures and prac-
11 tices, including changes in production processes,
12 that reduce, avoid, or eliminate the generation
13 of pollutants, including toxic or hazardous by-
14 products;

15 “(C) require the elimination of the intro-
16 duction of pollutants into any treatment works
17 in any case in which the Administrator deter-
18 mines that the elimination is technologically
19 and economically achievable for the category or
20 class of sources to which the standard applies,
21 unless the Administrator determines that the
22 pollutant is biodegradable and publicly owned
23 treatment works will achieve a level of treat-
24 ment for the pollutant equivalent to the level of
25 treatment that would be required if the pollut-

1 ant was discharged and subject to a guideline
2 published pursuant to section 304(b);

3 “(D) prohibit or limit the release of pollut-
4 ants associated with wastewater that are sub-
5 ject to a standard pursuant to this section to
6 other environmental media (including ground
7 water), consistent with the factors identified in
8 sections 301(b) and 304(b)(2)(B) for the cat-
9 egory or class of sources to which the standard
10 applies;

11 “(E) prohibit specific control measures or
12 practices that the Administrator determines are
13 likely to have a significant adverse impact on
14 any environmental medium; and

15 “(F) be no less stringent than any effluent
16 guideline for the pollutants (other than any
17 conventional pollutant) and the category or
18 class of sources promulgated under section
19 304(b).

20 “(3) DESIGNATION OF CATEGORIES.—When
21 proposing or promulgating any pretreatment stand-
22 ard under this section, the Administrator shall des-
23 ignate the category or class of sources to which the
24 standard shall apply.

1 “(4) COMPLIANCE DATE.—Each pretreatment
2 standard promulgated under this subsection shall
3 specify a date for compliance as expeditiously as
4 practicable, but not later than 3 years after the date
5 of promulgation of the standard.”.

6 (2) SIMULTANEOUS PROMULGATION.—Section
7 307(c) (33 U.S.C. 1317(c)) is amended—

8 (A) by inserting “STANDARDS RE-
9 QUIRED.—” after “(c)”;

10 (B) by striking “In order to ensure” and
11 inserting the following:

12 “(1) NEW SOURCES.—In order to ensure”; and

13 (C) by striking the last sentence of the
14 subsection and inserting the following new
15 paragraph:

16 “(2) REQUIREMENTS FOR PRETREATMENT
17 STANDARDS.—A pretreatment standard referred to
18 in paragraph (1) shall—

19 “(A) comply with the requirements of sub-
20 section (b), and may be more stringent than a
21 standard promulgated under such subsection
22 for existing sources;

23 “(B) be no less stringent than any stand-
24 ard of performance promulgated under section
25 306 for the pollutants (other than conventional

1 pollutants) and the category or class of sources
2 to which the pretreatment standard applies; and

3 “(C) be effective on the date of promulga-
4 tion for sources that commenced construction
5 after the date the standard was proposed.”.

6 (d) CONFORMING AMENDMENTS.—Section 301(b)
7 (33 U.S.C. 1311(b)) is amended—

8 (1) in paragraph (1)—

9 (A) in subparagraph (A)(ii), by striking
10 “which meets the requirements of subparagraph
11 (B) of this paragraph,”;

12 (B) in subparagraph (C), by inserting after
13 “not later than July 1, 1977,” the following:
14 “or, with respect to a limitation issued after
15 July 1, 1977, as expeditiously as practicable,
16 but not later than 3 years after the date the
17 limitation is issued,”; and

18 (C) by adding after subparagraph (C) the
19 following new sentence:

20 “A permit issued under section 402 may contain a
21 compliance schedule for a limitation referred to in
22 subparagraph (C) only if the compliance schedule is
23 not precluded by any State law (including any regu-
24 lation), and either the effluent limitation applicable
25 to the pollutant is more stringent than the limitation

1 in the previous permit or the previous permit did not
 2 include a limitation applicable to the pollutant.”;
 3 and

4 (2) in paragraphs (2) and (3)(A), by striking “,
 5 and in no case later than March 31, 1989” each
 6 place it appears.

7 (e) SCHEDULE FOR GUIDELINES AND STANDARDS.—

8 (1) IN GENERAL.—Subsection (d) of section
 9 301 (33 U.S.C. 1311(d)) is amended to read as fol-
 10 lows:

11 “(d) REVISION OF EFFLUENT GUIDELINES.—

12 “(1) IN GENERAL.—Each effluent guideline
 13 (and each related requirement, including any limita-
 14 tion) required pursuant to subsection (b) or promul-
 15 gated under section 304(b) shall be reviewed and re-
 16 vised in accordance with the schedule established
 17 under section 304(m).

18 “(2) REVISION OF GUIDELINE.—If, in the judg-
 19 ment of the Administrator, there have been signifi-
 20 cant changes in factors pertaining to an effluent
 21 guideline, including advances in pollution control
 22 technology or source reduction practices, that are
 23 likely to achieve a significant reduction in the vol-
 24 ume or toxicity of pollutants discharged to navigable
 25 waters by sources in the category or class of sources

1 to which the guideline applies, the Administrator
2 shall revise the guideline.

3 “(3) SIMULTANEOUS REVIEW AND REVISION.—
4 At the same time as the Administrator reviews or re-
5 vises an effluent guideline (or related requirement)
6 pursuant to this subsection, the Administrator shall
7 review or revise new source performance standards
8 promulgated pursuant to section 306 and
9 pretreatment standards for existing sources and new
10 sources promulgated pursuant to section 307 for
11 sources in the class or category of sources.”.

12 (2) PLAN FOR REVIEW.—Section 304(m) (33
13 U.S.C. 1314(m)) is amended—

14 (A) in paragraph (1)—

15 (i) by striking “(1)” and all that fol-
16 lows through “biennially” and inserting the
17 following:

18 “(1) PUBLICATION.—Not later than January 1,
19 1998, and every 5 years”;

20 (ii) in subparagraph (A)—

21 (I) by striking “annual”; and

22 (II) by inserting before the semi-
23 colon the following: “, new source per-
24 formance standards promulgated in
25 accordance with section 306, and

1 pretreatment standards for existing
 2 sources and new sources promulgated
 3 pursuant to section 307”;

4 (iii) in subparagraph (B)—

5 (I) by striking “discharging toxic
 6 or nonconventional pollutants”;

7 (II) by striking “(b)(2)” and in-
 8 serting “(b)”;

9 (III) by striking “section 306”
 10 and inserting “sections 306 and 307”;
 11 and

12 (iv) in subparagraph (C), by striking
 13 “3 years after the publication of the plan”
 14 and inserting “5 years after the publica-
 15 tion of the plan”;

16 (B) by adding at the end the following new
 17 paragraphs:

18 “(3) REVIEW OF INDIRECT DISCHARGE STAND-
 19 ARDS.—

20 “(A) IN GENERAL.—Except as provided in
 21 subparagraph (B), notwithstanding section
 22 301(d) and any other requirement of this sub-
 23 section, the Administrator shall, as part of the
 24 plan required to be developed by the Adminis-
 25 trator pursuant to this subsection by January

1 1, 1998, assess standards for existing sources
2 and new sources developed pursuant to section
3 307 and identify, with respect to each standard
4 applicable to pollutants that do not biodegrade,
5 any requirements of the standard that are less
6 stringent than the requirements under this sec-
7 tion and sections 301 and 306.

8 “(B) EXCEPTION.—Subparagraph (A)
9 shall not apply with respect to a category or
10 subcategory of industrial sources with respect
11 to which no facility would be affected by a
12 standard promulgated pursuant to section 307.

13 “(4) SIMULTANEOUS PUBLICATION.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), notwithstanding any other
16 provision of this Act, at the same time as the
17 Administrator promulgates and publishes efflu-
18 ent guidelines pursuant to section 301 and this
19 section, the Administrator shall, for each indus-
20 try that is covered by guidelines promulgated
21 pursuant to such sections, promulgate and pub-
22 lish—

23 “(i) standards for new sources pursu-
24 ant to section 306; and

1 “(ii) pretreatment standards for exist-
2 ing sources and new sources pursuant to
3 section 307.

4 “(B) EXCEPTION.—If, with respect to the
5 pretreatment standards for existing sources re-
6 ferred to in subparagraph (A)(ii), no facility
7 would be affected by the standards, the require-
8 ments of such subparagraph shall not apply
9 with respect to the existing sources.

10 “(5) COORDINATION WITH OTHER ENVIRON-
11 MENTAL LAWS.—In developing a plan pursuant to
12 this section, the Administrator shall, if appropriate,
13 coordinate the development of effluent guidelines
14 with the development of related standards or re-
15 quirements under other environmental laws, includ-
16 ing the Solid Waste Disposal Act (42 U.S.C. 6901
17 et seq.) and the Clean Air Act (42 U.S.C. 7401 et
18 seq.).”.

19 (3) CONFORMANCE WITH CONSENT DECREE.—
20 Nothing in this Act or the amendments made by this
21 Act is intended to relieve the Administrator of any
22 requirements or obligations of the Administrator
23 under the consent decree in *Natural Resources De-*
24 *fense Council v. Reilly*, Civ. No. 89–2980 (D.D.C.
25 filed January 25, 1991).

1 (f) PLANT SITE RUNOFF.—The first sentence of sec-
 2 tion 304(e) (33 U.S.C. 1314(e)) is amended by striking
 3 “for any specific pollutant which the Administrator is
 4 charged with a duty to regulate as a toxic or hazardous
 5 pollutant under section 307(a)(1) or 311 of this Act.”.

6 **SEC. 202. WATER QUALITY CRITERIA AND STANDARDS.**

7 (a) CRITERIA DOCUMENTS.—Section 304(a) (33
 8 U.S.C. 1314(a)) is amended—

9 (1) by striking “(a)(1) The Administrator” and
 10 inserting the following:

11 “(a) CRITERIA AND INFORMATION.—

12 “(1) IN GENERAL.—The Administrator”;

13 (2) in paragraph (1)(A), by striking the semi-
 14 colon at the end and inserting “, and the sediment
 15 associated with the bodies of water;”;

16 (3) in paragraph (2)—

17 (A) by striking “(2) The Administrator”
 18 and inserting the following:

19 “(2) INFORMATION.—The Administrator”;

20 (B) by striking “and” at the end of sub-
 21 paragraphs (B) and (C); and

22 (C) by striking the period at the end of the
 23 paragraph and inserting “; and (E) with re-
 24 spect to toxic pollutants, on numerical pollutant
 25 concentration criteria that are sufficient to en-

1 sure the attainment of designated uses estab-
2 lished by a State.”;

3 (4) in paragraph (3), by striking “(3) Such cri-
4 teria” and inserting the following:

5 “(3) PUBLICATION OF CRITERIA AND INFORMA-
6 TION.—The criteria”;

7 (5) in paragraph (4)—

8 (A) by striking “(4) The Administrator”
9 and inserting the following:

10 “(4) INFORMATION.—

11 “(A) IN GENERAL.—The Administrator”;

12 (B) in the first sentence, by striking “fecal
13 coliform, and pH” and inserting “pathogens or
14 indicators of pathogens (or both), pH, oil, and
15 grease”; and

16 (C) by adding at the end the following new
17 subparagraph:

18 “(B) PUBLICATION OF CRITERIA.—Not
19 later than 3 years after the date of enactment
20 of this subparagraph, the Administrator shall
21 publish criteria pursuant to paragraph (1)—

22 “(i) for those pollutants or factors
23 that the Administrator determines pose the
24 greatest risk to the physical, chemical, or

1 biological integrity of waters from all
2 nonpoint sources; and

3 “(ii) that, on the basis of the potential
4 for improving water quality and enhancing
5 the protection of aquatic life and wildlife,
6 programmatic needs, or effectiveness,
7 would provide the greatest benefit in the
8 restoration and protection of the physical,
9 chemical, and biological integrity of waters,
10 including, at a minimum, criteria for nutrients,
11 suspended solids, and dissolved oxygen.”;

12 (6) by striking paragraph (5) and inserting the
13 following new paragraph:

14 “(5) PLAN.—

15 “(A) IN GENERAL.—Not later than 2 years
16 after the date of enactment of the Water Pollu-
17 tion Prevention and Control Act of 1994, and
18 every 5 years thereafter, the Administrator
19 shall prepare and publish in the Federal Reg-
20 ister a plan for the development of criteria and
21 information pursuant to this subsection during
22 the 5-year period beginning on the date of pub-
23 lication of the plan, and, after providing oppor-
24 tunity for public review and comment, submit
25 the plan to Congress.

1 “(B) REQUIREMENTS FOR PLAN.—Each
2 plan prepared pursuant to this paragraph shall
3 identify the relative need for new or revised—

4 “(i) human health criteria;

5 “(ii) aquatic life criteria for fresh wa-
6 ters and waters of the estuarine zone, the
7 territorial sea, the contiguous zone, and
8 the ocean;

9 “(iii) sediment quality criteria;

10 “(iv) criteria for pollutants associated
11 with nonpoint sources of pollution;

12 “(v) criteria for pollutants associated
13 with lakes;

14 “(vi) ground water criteria;

15 “(vii) aquatic habitat criteria;

16 “(viii) wildlife criteria; and

17 “(ix) ambient biological criteria.

18 “(C) SCHEDULE FOR PUBLICATION OF
19 FINAL CRITERIA.—Each plan prepared pursu-
20 ant to this paragraph shall establish a schedule
21 for the publication of final criteria that the Ad-
22 ministrators determine would result in the
23 greatest benefit to human health and the
24 environment.

1 “(D) INITIAL PLAN.—The initial plan pub-
2 lished pursuant to this paragraph shall provide
3 for the publication, not later than 4 years after
4 the date of enactment of this subparagraph, of
5 not fewer than 8 sediment quality criteria that
6 the Administrator determines would result in
7 the greatest benefit to human health or the
8 environment.”;

9 (7) in paragraph (6)—

10 (A) by striking “(6) The Administrator”
11 and inserting the following:

12 “(6) PUBLICATION OF INFORMATION.—The Ad-
13 ministrator”; and

14 (B) by striking “and annually thereafter,
15 for purposes of section 301(h) of this Act” and
16 inserting “and every 5 years thereafter,”; and

17 (8) by adding at the end the following new
18 paragraphs:

19 “(9) REQUIREMENTS FOR REGISTRANTS OF
20 PESTICIDES.—

21 “(A) IN GENERAL.—Beginning on the date
22 that is 1 year after the date of enactment of
23 this paragraph, the Administrator shall require
24 the registrant of a pesticide under the Federal
25 Insecticide, Fungicide, and Rodenticide Act (7

1 U.S.C. 136 et seq.) to provide, not later than
2 the date of registration or reregistration of the
3 pesticide, information that is sufficient to pub-
4 lish criteria for the pesticide pursuant to para-
5 graph (1), unless the Administrator determines,
6 on the basis of the proposed use of the pes-
7 ticide, that it is unlikely that the pesticide or
8 any metabolite of the pesticide will enter water
9 in more than de minimis amounts.

10 “(B) APPLICABILITY.—This paragraph
11 shall not apply with respect to any data submit-
12 ted for a registration or reregistration that the
13 Administrator determines was complete on or
14 before the date of enactment of this paragraph.

15 “(C) USE OF EXISTING DATA, INFORMA-
16 TION, AND STUDIES.—In carrying out this
17 paragraph, to the extent practicable, the Ad-
18 ministrator shall use existing data, information,
19 and studies submitted for the registration or re-
20 registration of a pesticide. If the Administrator
21 finds that additional information is required,
22 the Administrator shall require that the infor-
23 mation be submitted pursuant to the Federal
24 Insecticide, Fungicide, and Rodenticide Act (7
25 U.S.C. 136 et seq.).

1 “(10) POLICY CONCERNING PREMANUFACTURE
2 NOTICES.—Not later than 1 year after the date of
3 enactment of this paragraph, the Administrator shall
4 establish a policy to ensure that information nec-
5 essary to publish criteria pursuant to this subsection
6 for chemical substances that are the subject of a
7 premanufacture notice pursuant to section 5 of the
8 Toxic Substances Control Act (15 U.S.C. 2604)
9 shall be submitted to the Administrator, unless the
10 Administrator finds that the chemical substance—

11 “(A) will not be discharged to waters or to
12 a publicly owned treatment works; or

13 “(B) will be discharged from a negligible
14 number of facilities in a negligible quantity.

15 “(11) FISH CONSUMPTION GUIDANCE.—Not
16 later than 2 years after the date of enactment of
17 this paragraph, and from time-to-time thereafter as
18 necessary, the Administrator, in cooperation with the
19 heads of appropriate Federal and State agencies and
20 other interested persons, shall prepare and publish
21 guidance concerning contaminant levels in finfish
22 and shellfish for use by States in the development
23 and issuance of finfish and shellfish consumption
24 advisories to protect recreational and subsistence
25 fishers.

1 “(12) SEDIMENT QUALITY.—Notwithstanding
2 any other provision of this Act, section 121(d) of the
3 Comprehensive Environmental Response, Compensa-
4 tion, and Liability Act (42 U.S.C. 9621(d)), or sub-
5 title C or D of the Solid Waste Disposal Act (42
6 U.S.C. 6921 et seq.), no sediment quality criteria
7 published under this section shall be—

8 “(A) used as a standard for determining
9 appropriate cleanup levels or whether cleanup
10 should be undertaken with respect to any facil-
11 ity or site; or

12 “(B) deemed an applicable or relevant and
13 appropriate requirement for any such remedi-
14 ation,

15 unless the Administrator, by rule and after notice
16 and opportunity for public comment, determines that
17 a criteria is appropriate for such use. This para-
18 graph shall not be interpreted, construed, or applied
19 to affect any requirement of State law, including the
20 applicability of sediment quality criteria similar to
21 criteria published under this section, as a standard
22 for cleanup actions taken pursuant to this or other
23 laws.”.

24 (b) WATER QUALITY STANDARDS.—Section 303 (33
25 U.S.C. 1313) is amended—

- 1 (1) by striking subsections (a) and (b);
- 2 (2) by redesignating subsection (c) as sub-
- 3 section (a);
- 4 (3) by redesignating subsections (d) through (h)
- 5 as subsections (c) through (g); and
- 6 (4) in subsection (a) (as redesignated by para-
- 7 graph (2))—
 - 8 (A) in second sentence of paragraph (1),
 - 9 by inserting after “Results of such review” the
 - 10 following: “(including the designated uses for
 - 11 the navigable waters involved, the water quality
 - 12 criteria for the waters based on the uses, and
 - 13 the antidegradation policy of the State)”;
 - 14 (B) in paragraph (2)—
 - 15 (i) in subparagraph (A)—
 - 16 (I) by striking the second sen-
 - 17 tence and inserting the following new
 - 18 sentence: “The revised or new water
 - 19 quality standard shall be in accord-
 - 20 ance with the antidegradation policy
 - 21 of the State and shall consist of the
 - 22 designated uses of the navigable wa-
 - 23 ters involved and the criteria nec-
 - 24 essary to support the uses.”; and

1 (II) in the fourth sentence, by
2 striking “their use and value” and in-
3 serting “the criteria developed under
4 section 304(a), the use of the water
5 and sediment, and the value”; and

6 (ii) by adding at the end the following
7 new subparagraph:

8 “(C) METHODOLOGY.—Not later than 3
9 years after the date of enactment of this sub-
10 paragraph, each State shall adopt, as part of
11 the water quality standards of the State, a
12 methodology that allows the State to translate
13 a narrative water quality standard into a spe-
14 cific numeric limit for those pollutants for
15 which criteria guidance have not been published
16 or for which the State has not adopted numeric
17 criteria pursuant to section 304(a). The State
18 shall use the methodology for the pollutants
19 that cause water quality impairments.”; and

20 (C) by adding at the end the following new
21 paragraphs:

22 “(5) APPLICABILITY.—

23 “(A) IN GENERAL.—Each use designation
24 made under this paragraph shall apply to the

1 designated water and to the aquatic sediments
2 of the water.

3 “(B) REPORTING.—Not later than 3 years
4 after the date of enactment of this paragraph,
5 and as part of any subsequent triennial review
6 of State water quality standards, each State
7 shall report to the Administrator the designated
8 uses of waters within the State.

9 “(C) DEEMED DESIGNATED USE.—On the
10 date that is 5 years after the date of enactment
11 of this paragraph, all waters of the United
12 States for which a use has not been designated
13 shall be deemed to be designated as fishable
14 and swimmable, unless a State establishes an
15 alternative use for the waters. If the State sub-
16 sequently adopts a designated use for a water
17 for which a fishable and swimmable use was
18 designated pursuant to the preceding sentence,
19 the State designation shall be considered the
20 initial designation and not a change in des-
21 ignated uses for the purposes of this Act.

22 “(6) POLLUTANT-SPECIFIC STANDARDS.—Each
23 State shall adopt pollutant-specific standards to sup-
24 port designated uses for each water in the State for
25 any pollutant for which criteria are published pursu-

1 ant to section 304(a) the discharge or loadings of
2 which could reasonably be expected to interfere with
3 designated uses for the affected water. The stand-
4 ards shall be adopted as expeditiously as practicable,
5 but not later than 3 years after the date of publica-
6 tion or revision of the criteria or 3 years after the
7 date of enactment of this paragraph, whichever is
8 later.

9 “(7) APPLICABLE NUMERIC CRITERIA.—For
10 any chemical-specific numeric criteria for water
11 quality for a toxic pollutant published or revised
12 after the date of enactment of this paragraph, in
13 any case in which numeric standards have not been
14 adopted by a State and submitted to the Adminis-
15 trator within 3 years of the publication of the cri-
16 teria document pursuant to section 304(a), the cri-
17 teria published under section 304(a) shall be the
18 State water quality standard for each water regard-
19 less of use designation unless and until the State
20 adopts and the Administrator approves a revised
21 standard in accordance with this section.”.

22 (c) ANTIDEGRADATION.—Section 303 (33 U.S.C.
23 1313), as amended by subsection (b), is further amended
24 by inserting after subsection (a) the following new sub-
25 section:

1 “(b) ANTIDegradation POLICY.—

2 “(1) IN GENERAL.—Each State shall develop
3 and implement a statewide antidegradation policy
4 and implementation procedures for the policy. The
5 Administrator shall review and approve or dis-
6 approve the policy and any revisions to the policy
7 adopted by each State. Not later than 3 years after
8 the date of enactment of the Water Pollution Pre-
9 vention and Control Act of 1994, the Administrator
10 shall, after notice and opportunity for public com-
11 ment, promulgate and implement an antidegradation
12 policy for each State that does not have a policy that
13 has been approved by the Administrator by such
14 date.

15 “(2) ANTIDegradation POLICY IMPLEMENTA-
16 TION METHODS.—The methods for the implementa-
17 tion of an antidegradation policy under paragraph
18 (1) shall, at a minimum, be consistent with the
19 following:

20 “(A) Existing instream water uses, includ-
21 ing any uses occurring on or after November
22 28, 1975, and the water and sediment quality
23 necessary to protect the existing uses, shall be
24 maintained and protected.

1 “(B)(i) Except as provided in clause (ii), if
2 the quality of waters and sediments exceeds lev-
3 els necessary to support the protection and
4 propagation of a balanced population of fish,
5 shellfish, and wildlife, and recreation in and on
6 the water, the quality shall be maintained and
7 protected.

8 “(ii) If the State finds, after public notice,
9 opportunity for public hearing, and full satisfac-
10 tion of the intergovernmental coordination pro-
11 visions of the continuing planning process of
12 the State, that allowing a reduction in the de-
13 gree of water quality or sediment quality is nec-
14 essary to accommodate important economic or
15 social development in the area in which the wa-
16 ters are located, clause (i) may not apply. In al-
17 lowing a reduction in the degree of water qual-
18 ity or sediment quality, the State shall ensure
19 a degree of water and sediment quality ade-
20 quate to protect existing uses (as described in
21 subparagraph (A)), and the State shall en-
22 sure—

23 “(I) that all point sources discharging
24 to the waters, and each industrial user dis-
25 charging to a publicly owned treatment

1 works discharging to the waters for which
2 the level of water or sediment quality is to
3 be reduced, are subject to all applicable re-
4 quirements of this Act, including any
5 source reduction requirements established
6 pursuant to section 301, 304, 306, 307, or
7 401; and

8 “(II) that all nonpoint sources within
9 the State that affect or may affect the
10 water or sediment quality referred to in
11 subclause (I) are subject to enforceable
12 best management practices pursuant to
13 section 319 that are economically and tech-
14 nologically achievable for the sources.

15 “(3) OUTSTANDING NATIONAL RESOURCE WA-
16 TERS.—

17 “(A) IN GENERAL.—If a high quality
18 water constitutes an outstanding national re-
19 source water (as described in subparagraph
20 (B)), the water shall be maintained and pro-
21 tected by the State.

22 “(B) STATE DESIGNATION OF OUTSTAND-
23 ING NATIONAL RESOURCE WATERS.—

24 “(i) IN GENERAL.—Not later than 2
25 years after the date of enactment of this

1 clause, each State shall, after notice and
2 opportunity for public comment, designate
3 and implement a program to protect all
4 outstanding national resource waters with-
5 in the State.

6 “(ii) OUTSTANDING NATIONAL RE-
7 SOURCE WATERS.—Except as provided in
8 clause (iii), the State shall designate as
9 outstanding national resource waters, all
10 waters within a national park or national
11 wilderness area and waters of exceptional
12 recreational or ecological significance.

13 “(iii) DECISION TO DECLINE TO MAKE
14 A DESIGNATION.—A State may propose
15 not to designate a specific water as an out-
16 standing national resource water, and the
17 Administrator may, after notice and oppor-
18 tunity for comment, approve the proposal,
19 if—

20 “(I) the State demonstrates to
21 the satisfaction of the Administrator
22 that the designation would result in
23 important social and economic harms;
24 and

1 “(II) with respect to waters with-
2 in Federal lands (if any), the Federal
3 manager of the lands concurs with the
4 State proposal.

5 “(C) GUIDANCE.—Not later than 1 year
6 after the date of enactment of this subpara-
7 graph, the Administrator shall publish guidance
8 for States to assist in the designation and pro-
9 tection of outstanding national resource waters.

10 “(D) CONSEQUENCES OF FAILURE TO
11 DESIGNATE.—If the State fails to make the
12 designations required under this paragraph by
13 the date that is 4 years after the date of enact-
14 ment of this subparagraph, the Administrator
15 shall make the designations on such date.

16 “(E) STATE ANTIDEGRADATION POLICY.—
17 Each State antidegradation policy developed
18 under this subsection shall ensure that each
19 water of ecological significance designated pur-
20 suant to the guidance published by the Admin-
21 istrator pursuant to subparagraph (C) (includ-
22 ing any water of ecological significance that
23 may have been designated as an outstanding
24 national resource water under this paragraph)
25 meets water and sediment quality standards

1 that ensure the protection and propagation of a
2 balanced population of fish, shellfish, and wild-
3 life, and recreation in and on the water.

4 “(F) CITIZEN PETITION.—The State shall
5 include in the antidegradation policy of the
6 State provisions allowing any citizen of the
7 State to petition the State for the designation
8 of a particular water as an outstanding national
9 resource water.

10 “(4) ANTIDEGRADATION REVIEW.—In order to
11 ensure that the antidegradation policy required by
12 this subsection is not violated, a permitting author-
13 ity shall conduct an antidegradation review for a
14 water prior to issuing any permit to a point source
15 authorizing any new, expanded, or increased dis-
16 charge of a pollutant to the receiving water.”.

17 (d) CONFORMING AMENDMENT.—Section 24 of the
18 Municipal Wastewater Treatment Construction Grant
19 Amendments of 1981 (33 U.S.C. 1313a) is amended by
20 striking “303(c)” both places it appears and inserting
21 “303(a)”.

22 **SEC. 203. TOXIC POLLUTANT PHASEOUT.**

23 (a) EFFLUENT PROHIBITION.—Section 307(a) (33
24 U.S.C. 1317(a)) is amended—

25 (1) in paragraph (1)—

1 (A) by striking the second sentence and in-
2 serting the following new sentence: “The Ad-
3 ministrator may add or remove any pollutant
4 from the list and shall, not later than 4 years
5 after the date of enactment of the Water Pollu-
6 tion Prevention and Control Act of 1994, and
7 not less often than every 5 years thereafter, re-
8 view and revise the list.”; and

9 (B) in the third sentence, by inserting “po-
10 tential for bioaccumulation,” after “degrad-
11 ability,”;

12 (2) by striking paragraphs (2) and (3) and in-
13 serting the following new paragraphs:

14 “(2) EFFLUENT LIMITATIONS.—Each toxic pol-
15 lutant listed in accordance with paragraph (1) shall
16 be subject to effluent limitations resulting from the
17 application of the best available technology economi-
18 cally achievable for the applicable category or class
19 of point sources established in accordance with sec-
20 tions 301(b)(2)(A) and 304(b)(2).

21 “(3) PUBLISHED EFFLUENT STANDARD.—The
22 Administrator may publish in the Federal Register
23 a proposed effluent standard (which may include a
24 prohibition) establishing requirements for a toxic
25 pollutant which, if an effluent limitation is applicable

1 to a class or category of point sources, shall be ap-
2 plicable to the category or class only if the standard
3 imposes more stringent requirements. The published
4 effluent standard (or prohibition) shall take into ac-
5 count the toxicity of the pollutant, its persistence,
6 degradability, potential for bioaccumulation, the
7 usual or potential presence of the affected organisms
8 in any waters, the importance of the affected orga-
9 nisms, the nature and extent of the effect of the
10 toxic pollutant on the organisms, and the extent to
11 which effective control is being achieved under other
12 regulatory authority.”; and

13 (3) by adding at the end the following new
14 paragraph:

15 “(8) PETITIONS TO ESTABLISH STANDARDS.—
16 Any person may petition the Administrator to estab-
17 lish an effluent standard (or prohibition) pursuant
18 to this subsection. Not later than 1 year after re-
19 ceipt of the petition, the Administrator shall grant
20 or deny the petition. An action by the Administrator
21 under this paragraph to grant or deny a petition
22 shall constitute final agency action for the purposes
23 of judicial review.”.

24 (b) NATIONAL ACADEMY OF SCIENCES STUDY.—

1 (1) REQUEST OF THE ACADEMY.—Not later
2 than 180 days after the date of enactment of this
3 Act, the Administrator shall offer to enter into ap-
4 propriate arrangements with the head of the Na-
5 tional Academy of Sciences to conduct a study of the
6 effects of pollution found in navigable waters (and
7 associated sediment) on the development of aquatic
8 life, wildlife, or humans, including impairments to
9 reproductive, endocrine, nervous, or immune systems
10 caused by the pollution.

11 (2) RECOMMENDATIONS OF THE ACADEMY.—
12 The Administrator shall request the views of the
13 Academy with respect to—

14 (A) general criteria that may be used to
15 identify substances that may reasonably be an-
16 ticipated to cause significant and widespread
17 adverse developmental effects on aquatic life,
18 wildlife, or humans, including impairments to
19 reproductive, endocrine, nervous, or immune
20 systems caused by water and sediment pollu-
21 tion;

22 (B) a list of substances that meet the cri-
23 teria referred to in subparagraph (A);

24 (C) a summary of available research with
25 respect to the sources, exposure pathways, and

1 geographic distribution of the substances listed
2 pursuant to subparagraph (B);

3 (D) a list of aquatic and wildlife species
4 that suffer developmental effects, including im-
5 pairments to reproductive, endocrine, nervous,
6 or immune systems, as a result of water or
7 sediment pollution;

8 (E) a list of aquatic sites that are the ori-
9 gin of the developmental effects identified in
10 subparagraph (D); and

11 (F) any site restoration or related meas-
12 ures needed to protect species identified in sub-
13 paragraph (D).

14 (3) REPORT.—Not later than 3 years after the
15 date of enactment of this Act, the Administrator
16 shall submit a report on the results of the study con-
17 ducted by the National Academy of Sciences to the
18 Committee on Environment and Public Works of the
19 Senate and to the Committee on Public Works and
20 Transportation of the House of Representatives.

21 (4) ASSISTANCE.—The Administrator shall
22 offer to assist the head of the National Academy of
23 Sciences in gathering any information that the head
24 of the National Academy of Sciences considers to be
25 necessary to carry out this subsection. The Adminis-

1 trator may use any authority under the Federal
2 Water Pollution Control Act (33 U.S.C. 1251 et
3 seq.) to obtain information from any person nec-
4 essary to carry out this subsection. In providing as-
5 sistance to the National Academy of Sciences pursu-
6 ant to this paragraph, the Administrator shall con-
7 sult with the Director of the United States Fish and
8 Wildlife Service of the Department of the Interior
9 and the Director of the National Oceanic and At-
10 mospheric Administration of the Department of
11 Commerce.

12 (5) USE OF FUNDS.—Notwithstanding any
13 other provision of law, of the funds made available
14 to the Environmental Protection Agency pursuant to
15 section 517 of the Federal Water Pollution Control
16 Act (33 U.S.C. 1376), the Administrator may use
17 such amounts as are necessary to carry out this sub-
18 section.

19 (c) NATIONAL STRATEGY TO PREVENT ADVERSE
20 DEVELOPMENTAL EFFECTS.—Section 307 (33 U.S.C.
21 1317) is amended by adding at the end the following new
22 subsection:

23 “(f) NATIONAL STRATEGY TO PREVENT ADVERSE
24 DEVELOPMENTAL EFFECTS.—

1 “(1) LIST OF SUBSTANCES.—Not later than 4
2 years after the date of enactment of this subsection,
3 the Administrator shall, after notice and opportunity
4 for public comment, publish a list of substances that
5 may reasonably be anticipated to cause significant
6 and widespread adverse effects on the development
7 of aquatic life, wildlife, or humans, including impair-
8 ments to reproductive, endocrine, nervous, and im-
9 mune systems, as a result of water pollution or sedi-
10 ment contamination. In carrying out this paragraph,
11 the Administrator shall consider the criteria and
12 specific list of substances, if any, recommended by
13 the National Academy of Sciences pursuant to the
14 study conducted under section 203(b) of the Water
15 Pollution Prevention and Control Act of 1994.

16 “(2) STRATEGY.—

17 “(A) IN GENERAL.—Not later than 5 years
18 after the date of enactment of this subsection,
19 the Administrator shall, after notice and oppor-
20 tunity for public comment, publish a com-
21 prehensive strategy to control, prevent, and re-
22 mediate water pollution or sediment contamina-
23 tion associated with the substances listed under
24 paragraph (1). The strategy shall—

1 “(i) identify categories of sources that
2 discharge, emit, or otherwise release sub-
3 stances listed under paragraph (1) into the
4 environment so as to cause or contribute to
5 water pollution or sediment contamination;

6 “(ii) identify annual loadings to wa-
7 ters of the United States of each listed
8 substance from each category of source
9 identified in clause (i) based on the most
10 recent data available to the Administrator;
11 and

12 “(iii) include specific actions that will
13 by implemented by the Administrator
14 pursuant to this Act (including remedi-
15 ation programs to address inplace contami-
16 nants under section 115) and other Fed-
17 eral laws (including the Clean Air Act (42
18 U.S.C. 7401 et seq.), the Toxic Substances
19 Control Act (15 U.S.C. 2601 et seq.), the
20 Federal Insecticide, Fungicide, and
21 Rodenticide Act (7 U.S.C. 136 et seq.), the
22 Solid Waste Disposal Act (42 U.S.C. 6901
23 et seq.), the Marine Protection, Research,
24 and Sanctuaries Act of 1972 (33 U.S.C.
25 1401 et seq.), and the Comprehensive En-

1 vironmental Response, Compensation, and
2 Liability Act of 1980 (42 U.S.C. 9601 et
3 seq.)) in a manner sufficient to reduce the
4 annual loadings of each listed substance to
5 the navigable waters (and associated sedi-
6 ments) of the United States by not less
7 than 85 percent by not later than 7 years
8 after the date of publication of the
9 strategy.

10 “(B) RESEARCH NEEDS; LEGISLATIVE
11 RECOMMENDATIONS.—The strategy developed
12 pursuant to this paragraph may also identify—

13 “(i) research needs; and

14 “(ii) recommended legislation that
15 would be appropriate to further reduce
16 water pollution that causes adverse devel-
17 opmental effects.

18 “(3) REPORT TO CONGRESS.—Not later than
19 90 days after publishing the strategy required by
20 paragraph (2), the Administrator shall submit a re-
21 port to the Committee on Environment and Public
22 Works of the Senate and the Committee on Public
23 Works and Transportation of the House of Rep-
24 resentatives that includes an estimate of the costs
25 and benefits of each action proposed to be imple-

1 mented under the strategy to reduce water and sedi-
 2 ment pollution by the substances listed under para-
 3 graph (1).

4 “(4) REVISION OF LIST.—From time to time,
 5 and after providing notice and opportunity for public
 6 comment, the Administrator may revise the list pub-
 7 lished under paragraph (1) and the strategy pub-
 8 lished under paragraph (2).

9 “(5) STATUTORY CONSTRUCTION.—Nothing in
 10 this subsection is intended to be construed to pre-
 11 vent the Administrator from exercising the authority
 12 granted to the Administrator under subsection (a).”.

13 **SEC. 204. PRETREATMENT PROGRAM.**

14 (a) PERMIT AUTHORITY.—Section 402(b)(9) (33
 15 U.S.C. 1342(b)(9)) is amended by adding at the end the
 16 following new sentences: “The Administrator (or a State
 17 with authority to approve a pretreatment program under
 18 this Act) may impose requirements on industrial users
 19 that introduce pollutants into publicly owned treatment
 20 works and that are not subject to the requirements of a
 21 pretreatment program that has been approved by the ap-
 22 propriate authority (referred to in this paragraph as an
 23 ‘approved pretreatment program’). The requirements shall
 24 include requirements that are equivalent to the require-
 25 ments that a publicly owned treatment works with an ap-

1 proved pretreatment program is required to impose pursu-
2 ant to the regulations issued under this Act, shall include
3 pretreatment standards, and may reflect best professional
4 judgment.”.

5 (b) REMOVAL CREDITS.—Section 307(b) (33 U.S.C.
6 1317(b)) is amended by adding at the end the following
7 new paragraph:

8 “(5) REVISIONS OF REQUIREMENTS TO RE-
9 FLECT BIODEGRADATION.—If in the case of any
10 toxic pollutant listed pursuant to subsection (a) in-
11 troduced by a source into a publicly owned treat-
12 ment works—

13 “(A) the treatment by the treatment works
14 results in the biodegradation of the toxic pollut-
15 ant, as determined by the Administrator;

16 “(B) the discharge from the treatment
17 works does not violate the effluent limitation or
18 standard that would be applicable to the toxic
19 pollutant if the pollutant were discharged by
20 the source other than through a publicly owned
21 treatment works; and

22 “(C) the toxic pollutant does not prevent
23 sludge use or disposal by the treatment works
24 in accordance with section 405,

1 the pretreatment requirements for the source actu-
 2 ally discharging the toxic pollutant into the publicly
 3 owned treatment works may be revised by the owner
 4 or operator of the works to reflect the
 5 biodegradation of the toxic pollutant by the works.”.

6 (c) SOLID WASTE DISPOSAL ACT HAZARDOUS
 7 WASTES.—Section 307 (33 U.S.C. 1317), as amended by
 8 section 203(c), is further amended by adding at the end
 9 the following new subsection:

10 “(g) SOLID WASTE DISPOSAL ACT HAZARDOUS
 11 WASTES.—

12 “(1) DEFINITIONS.—As used in this subsection:

13 “(A) HAZARDOUS WASTE.—The term ‘haz-
 14 arduous waste’ means material that would be
 15 considered a hazardous waste under the Solid
 16 Waste Disposal Act (42 U.S.C. 6901 et seq.)
 17 but for the phrase ‘does not include solid or dis-
 18 solved material in domestic sewage’ in section
 19 1004(27) of such Act (42 U.S.C. 6903(27)).

20 “(B) PRETREATMENT APPROVAL AUTHOR-
 21 ITY.—The term ‘pretreatment approval author-
 22 ity’ means the Administrator or a State that
 23 has been approved by the Administrator to
 24 issue permits to publicly owned treatment

1 works required to implement a pretreatment
2 program under section 402.

3 “(2) PROHIBITION.—Beginning on the date
4 that is 3 years after the date of enactment of this
5 subsection, it shall be unlawful to introduce into a
6 publicly owned treatment works any hazardous
7 waste, unless—

8 “(A) the source of the hazardous waste is
9 subject to a categorical pretreatment standard
10 issued by the Administrator or the hazardous
11 waste is subject to a general pretreatment regu-
12 lation issued by the Administrator under sec-
13 tion 403.5 of title 40, Code of Federal Regula-
14 tions, for the hazardous characteristics that the
15 waste would otherwise exhibit;

16 “(B) the hazardous waste and source are
17 scheduled, under section 304(m), to be regu-
18 lated under a new or revised pretreatment
19 standard addressing toxic and nonconventional
20 pollutants pursuant to subsections (b) and (m)
21 of section 304 to be issued by the Adminis-
22 trator not later than 5 years after the date of
23 enactment of this subsection, and the Adminis-
24 trator is in compliance with such schedule;

1 “(C) the hazardous waste is introduced
2 into the publicly owned treatment works by a
3 household or other facility discharging only do-
4 mestic wastewater;

5 “(D) the hazardous waste and source are
6 subject to a local limit, except that a pollutant
7 may be deemed subject to such standard if the
8 specific pollutant is regulated by the local limit
9 or a substance that has been determined to be
10 a reliable indicator for the pollutant is regu-
11 lated by the limit;

12 “(E) the source has implemented a toxic
13 reduction action plan for the hazardous waste
14 pursuant to paragraph (3);

15 “(F) in the case of a source that intro-
16 duces hazardous wastes into a publicly owned
17 treatment works that is not subject to an ap-
18 proved pretreatment program, the hazardous
19 waste and source are subject to a technology-
20 based local limit developed by the pretreatment
21 approval authority; or

22 “(G) the Administrator has determined
23 that the hazardous waste is biodegradable and
24 the pretreatment approval authority has deter-
25 mined that the publicly owned treatment works

1 receiving the hazardous waste operates at a
2 treatment efficiency for the waste equivalent to
3 (or greater than) the treatment efficiency that
4 would be achieved at the source under a tech-
5 nology-based discharge limitation referred to in
6 subparagraph (F).

7 “(3) TOXIC REDUCTION ACTION PLAN.—

8 “(A) PUBLICATION OF GUIDANCE.—

9 “(i) IN GENERAL.—Not later than 18
10 months after the date of enactment of this
11 subsection, the Administrator shall, after
12 notice and opportunity for public comment,
13 publish guidance for toxic reduction action
14 plans to be implemented by commercial
15 users (such as service stations, photo fin-
16 ishing operations, and other similar
17 sources) that are not scheduled to be sub-
18 ject to categorical pretreatment standards
19 under section 304(m) and introduce toxic
20 pollutants or hazardous wastes into pub-
21 licly owned treatment works.

22 “(ii) DESIGN OF GUIDANCE.—The
23 guidance shall be designed on a category-
24 specific basis to minimize the introduction
25 of toxic pollutants and hazardous wastes

1 into publicly owned treatment works
2 through pollution prevention, best manage-
3 ment practices, and other means.

4 “(B) DEVELOPMENT OF PRETREATMENT
5 PROGRAM.—Each publicly owned treatment
6 works that is required to develop a
7 pretreatment program pursuant to section
8 402(b) shall assist commercial users of the
9 treatment works with the implementation of
10 toxic reduction action plans as a component of
11 the pretreatment program of the treatment
12 works.

13 “(C) GUIDANCE CONCERNING TECHNICAL
14 ASSISTANCE.—Not later than 18 months after
15 the date of enactment of this subsection, the
16 Administrator shall publish guidance providing
17 technical assistance to small communities to as-
18 sist the communities in minimizing the intro-
19 duction of toxic pollutants and hazardous
20 wastes from commercial sources into publicly
21 owned treatment works.

22 “(4) LOCAL LIMITS.—

23 “(A) IN GENERAL.—Not later than 5 years
24 after the date of enactment of this paragraph,
25 the Administrator, after notice and opportunity

1 for public comment, shall promulgate regula-
2 tions revising the definition and applicability of
3 local limits, as set forth in section 403.5 of title
4 40, Code of Federal Regulations, as may be
5 necessary to protect human health and the envi-
6 ronment with respect to hazardous wastes dis-
7 charged to a publicly owned treatment works.
8 Except as provided in subparagraph (B), the
9 revised local limits shall address all points from
10 which hazardous waste may be released from a
11 publicly owned treatment works to the environ-
12 ment, including release through air emissions,
13 contamination of sludge, percolation into
14 ground water, exfiltration during transmission
15 to the treatment works, or sewer overflow
16 events.

17 “(B) EXCEPTIONS.—Local limits estab-
18 lished pursuant to subparagraph (A) shall not
19 be required to address release points for par-
20 ticular categories or subcategories of hazardous
21 wastes, if—

22 “(i) the category or subcategory of
23 hazardous waste is controlled by a categor-
24 ical or general pretreatment standard es-
25 tablished under subsection (b); or

1 “(ii) the study conducted pursuant to
2 subparagraph (D) demonstrates that addi-
3 tional control of the category or sub-
4 category of hazardous waste is not nec-
5 essary to protect human health and the
6 environment.

7 “(C) INTERFERENCE AND PASS
8 THROUGH.—This paragraph shall not be inter-
9 preted, construed, or applied to authorize the
10 Administrator to repeal or make less stringent
11 requirements established under subsection (b)
12 to address pollutants that interfere with, pass
13 through, or are otherwise incompatible with
14 publicly owned treatment works.

15 “(D) STUDY.—Not later than 3 years after
16 the date of enactment of this paragraph, the
17 Administrator shall complete a study of actual
18 discharges of hazardous waste to publicly owned
19 treatment works to determine the quantity of
20 the discharges, the sources of the discharges,
21 the release of hazardous wastes to the environ-
22 ment from the various release points identified
23 in subparagraph (A), and the threat to human
24 health and the environment resulting from the
25 hazardous waste discharges and releases. The

1 study shall include any new information avail-
2 able to the Administrator to update the report
3 required by section 3018(a) of the Solid Waste
4 Disposal Act (42 U.S.C. 6939(a)) and submit-
5 ted to Congress in December 1985. The Admin-
6 istrator shall submit the results of the study in
7 a report to Congress. There are authorized
8 to be appropriated to the Administrator
9 \$8,000,000, without fiscal year limitation, to
10 carry out the study.”.

11 (d) PUBLICLY OWNED INDUSTRIAL TREATMENT
12 WORKS.—Section 307 (33 U.S.C. 1317), as amended by
13 subsection (c), is further amended by adding at the end
14 the following new subsection:

15 “(h) PUBLICLY OWNED INDUSTRIAL TREATMENT
16 WORKS.—

17 “(1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of this subsection, a publicly
19 owned treatment works may submit an application
20 to the Administrator for the designation of the treat-
21 ment works as a publicly owned industrial treatment
22 works.

23 “(2) APPROVAL OF APPLICATION.—

24 “(A) IN GENERAL.—Not later than 180
25 days after a publicly owned treatment works

1 submits an application to the Administrator
2 pursuant to paragraph (1), the Administrator
3 shall approve or disapprove the application.
4 With respect to a publicly owned industrial
5 treatment works located in a State that has
6 been delegated the authority to approve a
7 pretreatment program under this section, before
8 approving or disapproving the application, the
9 Administrator shall consult with the appro-
10 priate official of the pretreatment program ap-
11 proval authority.

12 “(B) CONDITIONS FOR APPROVAL.—The
13 Administrator shall approve an application for
14 a designation referred to in paragraph (1) if the
15 Administrator, in consultation with an appro-
16 priate official of a pretreatment program ap-
17 proval authority (if any), determines that—

18 “(i) greater than 75 percent of the
19 wastewater received by the publicly owned
20 treatment works is from 1 or more indus-
21 trial sources;

22 “(ii) the publicly owned treatment
23 works was specifically designed to treat
24 pollutants associated with the sources re-
25 ferred to in clause (i);

1 “(iii) the publicly owned treatment
2 works consistently complies with and will
3 continue to comply with applicable effluent
4 limitations in the permit of the treatment
5 works that are as stringent as limitations
6 that would apply if the treatment works
7 were an industrial facility subject to sec-
8 tions 301 and 304;

9 “(iv) sludge from the treatment works
10 meets requirements for beneficial reuse
11 under section 405; and

12 “(v) the treatment works has imposed
13 controls on all pollutants received from
14 sources referred to in clause (i) as may be
15 necessary to protect human health and the
16 environment with respect to releases from
17 the treatment works to the environment,
18 including releases through air emissions,
19 contamination of sludge, percolation to
20 ground water, exfiltration during trans-
21 mission to the treatment works, or sewer
22 overflow events.

23 “(3) WAIVERS.—

24 “(A) IN GENERAL.—If, pursuant to this
25 subsection, the Administrator designates a pub-

1 licly owned treatment works as a publicly owned
2 industrial treatment works, the Administrator
3 may—

4 “(i) with respect to an industrial
5 source referred to in paragraph (2)(B)(i),
6 waive requirements under subsections (b)
7 and (f) that would otherwise apply; and

8 “(ii) attach such conditions to the
9 waiver as the Administrator deems appro-
10 priate, including requiring the source to
11 implement modified pretreatment require-
12 ments.

13 “(B) CONSULTATION.—With respect to a
14 publicly owned industrial treatment works lo-
15 cated in a State that has been delegated the au-
16 thority to approve a pretreatment program
17 under this section, before issuing a waiver
18 under this paragraph, the Administrator shall
19 consult with the appropriate official of the
20 State concerning the waiver and any conditions
21 to be attached to the waiver.

22 “(4) REVIEW OF DESIGNATIONS.—The Admin-
23 istrator shall review each designation of a publicly
24 owned industrial treatment works made pursuant to
25 this subsection at the time that the permit under

1 section 402 for the works is renewed to ensure that
 2 the treatment works continues to meet conditions es-
 3 tablished pursuant to paragraph (2). If the Adminis-
 4 trator determines that a publicly owned industrial
 5 treatment works does not meet any condition estab-
 6 lished under paragraph (2) the Administrator shall
 7 withdraw the designation and terminate any applica-
 8 ble waiver granted under paragraph (3).”.

9 **SEC. 205. POLLUTION PREVENTION PLANNING.**

10 (a) POLLUTION PREVENTION PLANS.—The Pollution
 11 Prevention Act of 1990 (42 U.S.C. 13101 et seq.) is
 12 amended—

13 (1) by redesignating sections 6609 and 6610 as
 14 sections 6611 and 6612, respectively; and

15 (2) by inserting after section 6608 the following
 16 new section:

17 **“SEC. 6609. POLLUTION PREVENTION PLANNING.**

18 **“(a) IN GENERAL.—**

19 **“(1) REQUIREMENT OF PLAN.—**Except as pro-
 20 vided in subsection (c), the owner or operator of
 21 each facility that—

22 **“(A)** is subject to the reporting require-
 23 ments of section 313 of the Emergency Plan-
 24 ning and Community Right-To-Know Act of
 25 1986 (42 U.S.C. 11023); and

1 “(B) reports under such section total re-
2 leases and transfers of toxic chemicals in excess
3 of 200,000 pounds in 1994 or any year there-
4 after,

5 shall prepare a pollution prevention plan in accord-
6 ance with this section not later than 2 years after
7 the date of filing of the 1994 report or the first re-
8 port required to be filed thereafter.

9 “(2) REVIEW AND UPDATING OF PLANS.—The
10 owner or operator shall review and update the plan
11 required to be prepared under paragraph (1) as
12 often as appropriate, but not less often than every
13 5 years if, for the fifth year after the initial prepara-
14 tion or most recent review and update of the plan,
15 the owner or operator reports total releases and
16 transfers of toxic chemicals in excess of 200,000
17 pounds.

18 “(b) ADDITIONAL FACILITIES.—

19 “(1) IN GENERAL.—Except as provided in sub-
20 section (c), the Administrator may require an owner
21 or operator of a facility that—

22 “(A) is subject to the reporting require-
23 ments of section 313 of the Emergency Plan-
24 ning and Community Right-To-Know Act of
25 1986 (42 U.S.C. 11023); and

1 “(B) in the toxic chemical release form re-
2 quired under such section filed in 1994 or any
3 year thereafter, reports total releases and trans-
4 fers of toxic chemicals of less than 200,000
5 pounds per year,
6 to prepare a pollution prevention plan according to
7 a schedule established by the Administrator.

8 “(2) BASIS FOR IMPOSITION OF REQUIRE-
9 MENT.—A decision by the Administrator to impose
10 the requirement described in paragraph (1) shall be
11 based on the extent to which—

12 “(A) the releases and transfers of the facil-
13 ity adversely affect human health and the envi-
14 ronment; and

15 “(B) a pollution prevention plan for the fa-
16 cility could result in a reduction in the genera-
17 tion of byproduct, release, or transfer of toxic
18 chemicals.

19 “(c) SMALL BUSINESS EXCEPTION.—An owner or
20 operator of a small business subject to the planning re-
21 quirements under this section shall be deemed to be in
22 compliance with this section if the owner or operator com-
23 pletes and retains onsite a pollution prevention opportuni-
24 ties assessment manual and checklist under section
25 6604(c)(2).

1 “(d) CONTENTS OF POLLUTION PREVENTION
2 PLAN.—Each pollution prevention plan required under
3 this section shall include—

4 “(1) an identification of sites, activities, and
5 other sources of byproduct, releases, and transfers,
6 of each chemical covered by the plan for the facility
7 and for each targeted production process;

8 “(2) an estimate of the annual input, accumula-
9 tion, and output quantities of each chemical covered
10 by the plan at the facility and for each targeted pro-
11 duction process, that accounts for the quantities pro-
12 duced, used, generated as byproduct, consumed, re-
13 cycled on-site but out-of-process, or transferred as a
14 product or as a constituent in a product;

15 “(3) an evaluation of the options for pollution
16 prevention selected by the owner or operator for
17 each chemical covered by the plan for the facility,
18 and for each targeted production process, including
19 an evaluation of the costs of each option compared
20 to the costs of current (as of the date of the evalua-
21 tion) and projected pollution control and waste man-
22 agement activities;

23 “(4) pollution prevention goals for each chemi-
24 cal covered by the plan for the subsequent 5-year pe-
25 riod for the facility and for each targeted production

1 process, stated in terms of the expected reduction of
2 the quantity of each chemical generated as byprod-
3 uct and covered by the plan that is to result from
4 pollution prevention per unit of product or other ap-
5 propriate unit of measurement;

6 “(5) pollution prevention measures that will be
7 used to achieve the pollution prevention goals speci-
8 fied under paragraph (4); and

9 “(6) a statement, by the highest ranking official
10 at the facility, that supports the pollution prevention
11 goals specified under paragraph (4).

12 “(e) STATE PLANNING REQUIREMENTS.—

13 “(1) CERTIFICATION BY THE STATE.—A State
14 may certify, after notice and opportunity for public
15 comment, that the pollution prevention planning re-
16 quirements of the State are comparable to the re-
17 quirements of this section. Except as provided in
18 paragraph (2), an owner or operator who complies
19 with the pollution prevention planning requirements
20 of a certified State shall be deemed to be in compli-
21 ance with subsection (d).

22 “(2) DETERMINATION BY THE ADMINIS-
23 TRATOR.—After notice and opportunity for public
24 comment, the Administrator may determine that the
25 pollution prevention planning requirements of a

1 State certified under paragraph (1) are not com-
 2 parable to the requirements of this section. After the
 3 Administrator makes a determination described in
 4 the preceding sentence, an owner or operator in the
 5 State shall be required to prepare a pollution pre-
 6 vention plan as provided in subsections (a) through
 7 (d).”.

8 (b) POLLUTION PREVENTION REPORTING.—Section
 9 6607 of such Act (42 U.S.C. 13106) is amended—

10 (1) in the section heading, by striking
 11 “**SOURCE REDUCTION**” and inserting “**POLLU-**
 12 **TION PREVENTION**”;

13 (2) in subsection (a)—

14 (A) by striking “REQUIREMENTS.—Each
 15 owner” and inserting the following: “REQUIRE-
 16 MENTS.—

17 “(1) SOURCE REDUCTION AND RECYCLING RE-
 18 PORTS.—Each owner”; and

19 (B) by adding at the end the following new
 20 paragraph:

21 “(2) POLLUTION PREVENTION PROGRESS RE-
 22 PORTS.—

23 “(A) IN GENERAL.—Each owner or opera-
 24 tor of a facility that is subject to section 6609
 25 shall include with each annual filing of the toxic

1 chemical release form under section 313 of the
2 Emergency Planning and Community Right-To-
3 Know Act of 1986 (42 U.S.C. 11023) a pollu-
4 tion prevention progress report for the preced-
5 ing calendar year.

6 “(B) FIRST REPORT.—The first pollution
7 prevention progress report shall be submitted
8 with the annual form filed under such section
9 in the year following the first full calendar year
10 that begins after a pollution prevention plan is
11 prepared under section 6609.”;

12 (3) in the subsection heading of subsection (b),
13 by inserting “SOURCE REDUCTION AND RECY-
14 CLING” before “REPORT”;

15 (4) by striking subsection (c) and inserting the
16 following new subsection:

17 “(c) ITEMS INCLUDED IN POLLUTION PREVENTION
18 PROGRESS REPORT.—

19 “(1) IN GENERAL.—Each pollution prevention
20 progress report required to be submitted under sub-
21 section (a)(2) shall include—

22 “(A) a description of the facility and an
23 identification of each targeted production
24 process;

1 “(B) the 5-year pollution prevention goals
2 described in section 6609(d)(4);

3 “(C) a numerical statement demonstrating
4 the annual progress of the facility towards
5 achieving each of the 5-year goals referred to in
6 subparagraph (B) stated in terms of the meas-
7 ured or estimated actual reduction of the quan-
8 tity of each chemical generated as byproduct
9 and covered by the plan that results from pollu-
10 tion prevention per unit of product or other ap-
11 propriate unit of measurement; and

12 “(D) at the option of the owner or opera-
13 tor, in the case of a chemical not listed under
14 section 313 of the Emergency Planning and
15 Community Right-To-Know Act of 1986 (42
16 U.S.C. 11023), the amount of reduction of the
17 chemical generated as byproduct and that re-
18 sults from pollution prevention.

19 “(2) COMBINED PRODUCTION PROCESSES.—For
20 the purpose of reporting under this subsection, the
21 owner or operator may combine production processes
22 that use similar ingredients to produce 1 or more
23 similar products so that the combined production
24 processes are considered to be a single production
25 process.

1 “(3) CONGRESSIONAL INTENT.—

2 “(A) UNLISTED CHEMICALS.—Nothing in
3 this section or section 6609 is intended to be
4 construed to authorize the Administrator to re-
5 quire information concerning chemicals not list-
6 ed under section 313 of the Emergency Plan-
7 ning and Community Right-To-Know Act of
8 1986 (42 U.S.C. 11023) to be included in a
9 pollution prevention plan or progress report.

10 “(B) POLLUTION MEASURES AND
11 GOALS.—Nothing in this section or section
12 6609 is intended to be interpreted, construed,
13 or applied to authorize the Administrator to re-
14 quire a particular pollution prevention measure
15 to be implemented, or a pollution prevention
16 goal to be achieved, at a facility or with respect
17 to a production process.

18 “(4) FORM.—Not later than 1 year after the
19 date of enactment of this paragraph, the Adminis-
20 trator shall publish a form for reporting the infor-
21 mation required under this subsection to accompany
22 the annual filing of the toxic chemical release form
23 under section 313 of the Emergency Planning and
24 Community Right-To-Know Act of 1986 (42 U.S.C.
25 11023). The Administrator shall not modify the

1 form required for purposes of reporting information
2 under such section solely for the purpose of incor-
3 porating the reporting of information required under
4 this subsection.”;

5 (5) in subsection (e)—

6 (A) by striking “DATA.—Subject to” and
7 inserting the following: “DATA.—

8 “(1) IN GENERAL.—Subject to paragraphs (2)
9 and (3) and”; and

10 (B) by adding at the end the following new
11 paragraphs:

12 “(2) POLLUTION PREVENTION PLANS.—The
13 pollution prevention plan for each facility subject to
14 section 6609 shall be retained at the facility and
15 made available to the Administrator or the State in
16 which the facility is located. A plan may be made
17 public only with the permission of the owner or oper-
18 ator. A summary of the pollution prevention plan
19 (that includes information required in subpara-
20 graphs (A), (B), and (D) of subsection (c)(1) of this
21 section and a summary of the information required
22 in paragraphs (3) and (5) of subsection (d) of sec-
23 tion 6609) shall be made available to the public at
24 the facility during normal business hours.

1 “(3) POLLUTION PREVENTION PROGRESS RE-
2 PORTS.—Except as provided in subsection (f), the
3 pollution prevention progress reports of a facility re-
4 quired under this section shall be made available to
5 the public at the facility during normal business
6 hours.”; and

7 (6) by adding at the end the following new sub-
8 sections:

9 “(f) CONFIDENTIALITY.—Sections 322 and 325(d) of
10 the Emergency Planning and Community Right-To-Know
11 Act of 1986 (42 U.S.C. 11042 and 11045(d)) shall apply
12 to the reporting requirements of this section in the same
13 manner as the sections apply to the reports required under
14 section 313 of such Act (42 U.S.C. 11023). The contents
15 of a pollution prevention plan and any supporting informa-
16 tion shall not be disclosed by the Administrator or the
17 State, or by any officer, employee, contractor, or agent
18 of the United States or the State. The plans and informa-
19 tion shall be entitled to protection under section 1905, of
20 title 18, United States Code, and officers, employees, con-
21 tractors, or agents of the State shall be subject to the
22 same penalties as Federal employees under such section.
23 “(g) ENFORCEMENT.—Subsections (b) and (c) of
24 section 325, and section 326, of the Emergency Planning
25 and Community Right-To-Know Act of 1986 (42 U.S.C.

1 11045 and 11046) shall apply to the requirement to pre-
2 pare a pollution prevention plan under subsection (a) or
3 (b) of section 6609 and to the reporting requirements of
4 this section in the same manner as the sections apply to
5 the reports required under section 313 of such Act (42
6 U.S.C. 11023).

7 “(h) COORDINATION WITH OTHER PLANNING RE-
8 QUIREMENTS.—Pollution prevention plans prepared under
9 this Act shall be deemed sufficient to meet requirements
10 for waste minimization plans under sections 3002(b) and
11 3005(h) of the Solid Waste Disposal Act (42 U.S.C.
12 6922(b) and 6925(h)), to the extent that the pollution pre-
13 vention plans address the facilities, processes, and waste
14 streams that would be addressed by waste minimization
15 plans. To the extent practicable, the Administrator shall
16 coordinate other requirements for plans addressing pollu-
17 tion prevention or waste minimization with the plans re-
18 quired under this Act.”.

19 (c) SMALL BUSINESS TECHNICAL ASSISTANCE PRO-
20 GRAM.—

21 (1) IN GENERAL.—Section 6604 of such Act
22 (42 U.S.C. 13103) is amended by adding at the end
23 the following new subsection:

24 “(c) SMALL BUSINESS TECHNICAL ASSISTANCE PRO-
25 GRAM.—

1 “(1) IN GENERAL.—The Administrator shall es-
2 tablish and support an integrated pollution preven-
3 tion information network. The purpose of the inte-
4 grated network shall be to provide an effective mech-
5 anism for sharing and delivering (especially to small
6 businesses) pollution prevention information and ex-
7 pertise available from—

8 “(A) Federal agencies;

9 “(B) State or local governments;

10 “(C) university-based centers;

11 “(D) private nonprofit centers;

12 “(E) industry trade associations; and

13 “(F) the Manufacturing Technology Cen-
14 ters administered by the National Institute of
15 Standards and Technology of the Department
16 of Commerce.

17 “(2) POLLUTION PREVENTION MANUALS AND
18 CHECKLISTS.—

19 “(A) IN GENERAL.—

20 “(i) DEVELOPMENT.—The Adminis-
21 trator shall develop industry-specific pollu-
22 tion prevention opportunities assessment
23 manuals and checklists for industrial cat-
24 egories with respect to which the lack of

1 information is an impediment to pollution
2 prevention by small businesses.

3 “(ii) CONTENTS.—The manuals and
4 checklists should provide owners and oper-
5 ators of small businesses with an approach
6 for—

7 “(I) identifying the sources of re-
8 leases and byproducts;

9 “(II) estimating the cost of man-
10 aging and controlling the releases and
11 byproducts; and

12 “(III) identifying and evaluating
13 pollution prevention options and the
14 costs of the options.

15 “(iii) DISSEMINATION THROUGH NET-
16 WORK.—The Administrator shall make the
17 manuals and checklists available through
18 the integrated pollution prevention infor-
19 mation network established under para-
20 graph (1).

21 “(B) USE OF EXISTING MANUALS AND
22 CHECKLISTS.—In carrying out this paragraph,
23 the Administrator shall, if appropriate, use, up-
24 date, or modify industry-specific pollution pre-
25 vention manuals and checklists developed by

1 States and other sources in lieu of developing
2 new manuals and checklists.”.

3 (2) ASSISTANCE TO SMALL BUSINESSES.—Sec-
4 tion 6605 of such Act (42 U.S.C. 13104) is amend-
5 ed—

6 (A) in subsection (b)(1), by striking “busi-
7 ness” and inserting “businesses”; and

8 (B) by inserting “(especially small busi-
9 nesses)” after “businesses” each place it
10 appears.

11 (d) NATIONAL VOLUNTARY POLLUTION PREVENTION
12 PROGRAM.—Such Act (42 U.S.C. 13101 et seq.) is
13 amended by inserting before section 6611, as redesignated
14 by subsection (a)(1), the following new section:

15 **“SEC. 6610. COMMUNITY-BASED VOLUNTARY POLLUTION**
16 **PREVENTION PROGRAM.**

17 “(a) ESTABLISHMENT.—The Administrator shall es-
18 tablish a program to support and promote government and
19 private sector efforts for local, results-oriented, voluntary
20 programs to encourage businesses, government agencies,
21 environmental groups, and other organizations to work to-
22 gether in establishing community-based programs to pre-
23 vent pollution and promote energy conservation within the
24 respective organizations.

25 “(b) PROGRAM DEVELOPMENT.—

1 “(1) IN GENERAL.—The program established
2 under subsection (a) shall be developed in consulta-
3 tion with representatives of State and local pollution
4 prevention programs, including—

5 “(A) representatives from the Anchorage
6 Chamber of Commerce Green Star Committee
7 in Anchorage, Alaska;

8 “(B) representatives from other commu-
9 nities that have established programs described
10 in subsection (a); and

11 “(C) experts in pollution prevention pro-
12 grams.

13 “(2) CONTENTS OF PROGRAM.—In carrying out
14 the program established under subsection (a), the
15 Administrator shall—

16 “(A) identify elements of then existing vol-
17 untary programs that may be applicable in
18 other communities;

19 “(B) disseminate information about suc-
20 cessful voluntary pollution prevention and en-
21 ergy conservation programs;

22 “(C) develop guidelines for recognizing
23 participating organizations; and

24 “(D) design model voluntary, community-
25 based programs for use by local organizations.

1 “(c) USE OF CERTAIN GRANTS.—A State that re-
2 ceives a grant under section 6605 may use the grant to
3 promote the development of voluntary, community-based
4 programs described in subsection (a).”.

5 (e) DEFINITIONS.—Section 6603 of such Act (42
6 U.S.C. 13102) is amended by adding at the end the follow-
7 ing new paragraphs:

8 “(8) The term ‘byproduct’ means a toxic chemi-
9 cal other than a product or products resulting from
10 manufacturing, extraction, servicing, processing,
11 handling, or other activity, including fugitive emis-
12 sions, process residues, or any other nonproduct out-
13 puts created prior to recycling, treatment, disposal,
14 or release.

15 “(9) The term ‘chemical covered by the plan’
16 means a toxic chemical listed under section 313 of
17 the Emergency Planning and Community Right-To-
18 Know Act of 1986 (42 U.S.C. 11023) at the time
19 a plan required under section 6609 is prepared or
20 updated, that the owner or operator targets for pol-
21 lution prevention planning and reporting under this
22 Act based on—

23 “(A) a consideration of the potential for
24 adverse effects on human health and the envi-
25 ronment of each toxic chemical that is used,

1 generated as a byproduct, or released at the fa-
2 cility and for a targeted production process; and

3 “(B) the opportunity for pollution preven-
4 tion of each such chemical.

5 “(10) The term ‘pollution prevention’ means a
6 method of source reduction.

7 “(11) The term ‘production process’ means a
8 production line, method, activity, or technique, or
9 combination or series thereof, that is integral to and
10 necessary for the production of a product, including
11 the storage of raw materials and maintenance and
12 handling of finished goods.

13 “(12) The term ‘small business’ means a busi-
14 ness that is recognized as a small business concern
15 under section 3(a) of the Small Business Act (15
16 U.S.C. 632(a)).

17 “(13) The term ‘targeted production process’
18 means the production processes that account for 90
19 percent or more of the use, generation of byproduct,
20 or release of a chemical covered by the plan at a
21 specified facility.’’.

1 **SEC. 206. INTEGRATED POLLUTION PREVENTION AND CON-**
2 **TROL.**

3 The Pollution Prevention Act of 1990 (42 U.S.C.
4 13101 et seq.), as amended by section 205, is further
5 amended—

6 (1) by redesignating sections 6611 and 6612 as
7 sections 6612 and 6613, respectively;

8 (2) by inserting after section 6610 the following
9 new section:

10 **“SEC. 6611. INTEGRATED POLLUTION PREVENTION AND**
11 **CONTROL.**

12 “(a) PURPOSE.—The purpose of this section is to
13 identify and demonstrate more efficient, broadly applicable
14 methods of improving environmental quality by providing
15 several regulated facilities more choices in meeting envi-
16 ronmental requirements.

17 “(b) DEFINITIONS.—As used in this section:

18 “(1) APPLICANT ORGANIZATION.—The term
19 ‘applicant organization’ means a group or organiza-
20 tion consisting of an owner or operator of a dem-
21 onstration site or a proposed demonstration site,
22 representatives of the State and local governments
23 with jurisdiction over the demonstration site, and in-
24 terested nongovernmental organizations that submit
25 an application with respect to a proposed demonstra-
26 tion site.

1 “(2) BASELINE.—The term ‘baseline’, with re-
2 spect to a demonstration site—

3 “(A) means the actual total environmental
4 loadings for the 1-year period immediately pre-
5 ceding the date of submission of an application
6 for an integrated permit for the demonstration
7 site under subsection (d); and

8 “(B) includes the subtotal of each listed
9 chemical to each environmental medium.

10 “(3) DEMONSTRATION PROJECT.—The term
11 ‘demonstration project’ means the project authorized
12 by this section consisting of not more than 10 dem-
13 onstration sites.

14 “(4) DEMONSTRATION SITE.—The term ‘dem-
15 onstration site’ means the contiguous area contain-
16 ing processes, equipment, structures, and emissions
17 sources that are under common control and selected
18 by the Administrator to participate in the dem-
19 onstration project under subsection (d).

20 “(5) EMISSION.—The term ‘emission’ means
21 any emission, release, or discharge to any environ-
22 mental medium.

23 “(6) ENVIRONMENTAL MEDIUM.—The term ‘en-
24 vironmental medium’ means air, water (both ground

1 water and surface water), or soil (including under-
2 ground injection).

3 “(7) INTEGRATED PERMIT.—The term ‘inte-
4 grated permit’ means a permit issued under sub-
5 section (d).

6 “(8) LISTED CHEMICAL.—The term ‘listed
7 chemical’ has the meaning provided the term by the
8 Administrator.

9 “(9) OWNER OR OPERATOR.—The term ‘owner
10 or operator’ means a person who owns, leases, oper-
11 ates, controls, or supervises a demonstration site or
12 proposed demonstration site.

13 “(10) PARTICIPANT.—The term ‘participant’
14 means an applicant organization that is rec-
15 ommended by the management panel, and approved
16 by the Administrator to participate in the dem-
17 onstration project.

18 “(11) TOTAL ENVIRONMENTAL LOADINGS.—
19 The term ‘total environmental loadings’ means the
20 total of the actual emissions of all listed chemicals
21 from any demonstration site to each environmental
22 medium.

23 “(c) AUTHORIZATION FOR INTEGRATED PERMIT.—

24 “(1) IN GENERAL.—To encourage the develop-
25 ment of more efficient, broadly applicable innovative

1 approaches to environmental improvement that em-
2 phasize source reduction, pursuant to the procedures
3 established under subsection (d) for the approval of
4 an integrated permit, the Administrator may, with
5 the consent of the State in which a demonstration
6 site is located, and after notice and opportunity for
7 comment, temporarily waive, with respect to a dem-
8 onstration site—

9 “(A) any federally enforceable statutory or
10 regulatory environmental requirement that is
11 applicable to the demonstration site (except for
12 any specific limitation of emissions and any re-
13 quirement listed under paragraph (3)); and

14 “(B) any federally enforceable statutory or
15 regulatory environmental requirement (includ-
16 ing any specific limitation of emissions) that is
17 applicable to a demonstration site and is issued
18 after the date of approval of an integrated per-
19 mit for the site pursuant to subsection
20 (d)(except for any requirement listed under
21 paragraph (3)).

22 “(2) INTEGRATED PERMIT.—On the approval of
23 an application for an integrated permit pursuant to
24 subsection (d)(3), each demonstration site shall com-
25 ply with the conditions of an integrated permit is-

1 sued under subsection (d). Each integrated permit
2 shall incorporate each applicable federally enforce-
3 able permit condition or, in lieu of the permit condi-
4 tion, an alternative compliance plan approved pursu-
5 ant to subsection (d)(3).

6 “(3) EXCEPTIONS.—Under any agreement
7 under the demonstration project authorized by this
8 section, the Administrator may not (except as other-
9 wise specifically provided in this section)—

10 “(A) waive any applicable remediation re-
11 quirement that is part of corrective action
12 under section 3004 of the Solid Waste Disposal
13 Act (42 U.S.C. 6924) or section 104 of the
14 Comprehensive Environmental Response, Com-
15 pensation, and Liability Act of 1980 (42 U.S.C.
16 9604);

17 “(B) in the case of an alternative compli-
18 ance plan, approve any condition that would
19 contribute to, or result in, exceedance of na-
20 tional ambient air quality standards promul-
21 gated under section 109 of the Clean Air Act
22 (42 U.S.C. 7409) or any water quality stand-
23 ards promulgated under section 301 of the Fed-
24 eral Water Pollution Control Act (33 U.S.C.
25 1311); or

1 “(C) waive any requirement for occupa-
2 tional safety or health.

3 “(4) PREVENTION OF ENVIRONMENTAL DETE-
4 RIORATION.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraph (B), each integrated permit is-
7 sued under subsection (d) that is applicable to
8 a demonstration site shall ensure that the emis-
9 sions of a pollutant from a source will not, at
10 any time, exceed any otherwise applicable feder-
11 ally enforceable emission limit.

12 “(B) EXCEPTIONS.—With respect to a
13 demonstration site, a permit referred to in sub-
14 paragraph (A) may allow for the exceedance of
15 an otherwise applicable federally enforceable
16 emissions limit if—

17 “(i) the limit is a requirement de-
18 scribed in paragraph (1)(B);

19 “(ii) in an alternative compliance plan
20 submitted by a participant pursuant to
21 subsection (d), the Administrator, after
22 providing notice and opportunity for public
23 comment, makes a finding that the overall
24 environmental benefits of the plan out-
25 weigh the exceedance and would result in

1 a net improvement in public health and the
2 environment; and

3 “(iii) with respect to a finding made
4 under clause (ii), no member or entity of
5 the applicant organization objects to the
6 exceedance.

7 “(5) NEW RULES.—Each integrated permit
8 that is applicable to a demonstration site shall, be-
9 ginning on the effective date of an applicable feder-
10 ally enforceable environmental requirement, incor-
11 porate the requirement or, in lieu of incorporating
12 the requirement, incorporate an alternative compli-
13 ance plan approved under subsection (d).

14 “(6) INTERIM COMPLIANCE AGREEMENT.—On
15 the termination of an integrated permit issued under
16 subsection (d), all applicable environmental require-
17 ments shall be immediately effective except that, at
18 the request of the participant, the Administrator and
19 the appropriate permitting authority of the State in
20 which the participant is located, shall develop an in-
21 terim compliance agreement that shall be in effect
22 for a period of not to exceed 1 year and that shall
23 apply in lieu of the requirements.

24 “(7) ENFORCEMENT.—If a participant fails to
25 meet a condition of an integrated permit issued

1 under subsection (d), the permit shall terminate im-
2 mediately upon a finding by the Administrator of
3 the failure.

4 “(8) STATE RULES.—In the case of environ-
5 mental requirements under an integrated permit is-
6 sued pursuant to subsection (d) that are applicable
7 to a demonstration site and that are only enforceable
8 by the State in which the demonstration site is lo-
9 cated, the Administrator may, as part of the ap-
10 proval of an application for an integrated permit
11 under subsection (d), enter into an agreement with
12 the State to incorporate the requirements into the
13 demonstration project established under subsection
14 (d).

15 “(d) DEMONSTRATION PROJECT.—

16 “(1) ESTABLISHMENT.—The Administrator
17 shall establish a pilot program (referred to in this
18 subsection as a ‘demonstration project’) to dem-
19 onstrate, at not more than 10 demonstration sites,
20 the implementation of an integrated permitting proc-
21 ess that—

22 “(A) combines all applicable Federal envi-
23 ronmental requirements, except the require-
24 ments listed under subsection (c)(3), into a sin-
25 gle integrated permit; and

1 “(B) provides the demonstration sites with
2 the opportunity to identify and demonstrate, in
3 practice, innovative and alternative methods of
4 compliance with applicable federally enforceable
5 environmental requirements and the oppor-
6 tunity to make other environmental improve-
7 ments.

8 “(2) SELECTION OF PARTICIPANTS.—The Ad-
9 ministrator shall accept applications for participa-
10 tion in the demonstration project from each inter-
11 ested applicant organization. In consultation with
12 the management panel established under paragraph
13 (7), the Administrator shall approve or disapprove
14 the application.

15 “(3) REVIEW AND APPROVAL OF INTEGRATED
16 PERMITS.—

17 “(A) IN GENERAL.—After approving an
18 application of an applicant organization re-
19 ferred to in paragraph (2) to participate in the
20 demonstration project, the Administrator shall
21 accept an application for the issuance of an in-
22 tegrated permit under this section from the ap-
23 plicant organization.

24 “(B) APPROVAL OF APPLICATION.—Not
25 later than 120 days after receipt of a complete

1 application for an integrated permit, or not
2 later than 90 days after receipt of an applica-
3 tion to modify an integrated permit, the Admin-
4 istrator, in consultation with the management
5 panel established under paragraph (7), shall ap-
6 prove all or part of the application, or dis-
7 approve the application and include the reasons
8 for the disapproval in a written notice to the
9 applicant of the disapproval.

10 “(C) EFFECT OF APPROVAL.—On the ap-
11 proval of all or part of an application for, or
12 modification of, an integrated permit, the Ad-
13 ministrator shall incorporate the conditions in
14 the approved application into the integrated
15 permit. The integrated permit shall be enforce-
16 able by the Administrator and shall expire no
17 later than 5 years after the date of approval.

18 “(4) PERMIT RENEWAL.—Notwithstanding sub-
19 section (g)—

20 “(A) not earlier than 180 days prior to the
21 scheduled expiration date of an integrated per-
22 mit, the participant who holds the permit may
23 apply to the Administrator for renewal of the
24 integrated permit for an additional period of
25 not to exceed 5 years; and

1 “(B) not later than 120 days after receipt
2 of a complete application for renewal of the in-
3 tegrated permit, the Administrator, after notice
4 and opportunity for comment, shall approve the
5 application if—

6 “(i) the participant has satisfactorily
7 complied with all of the conditions of the
8 integrated permit;

9 “(ii) the management panel estab-
10 lished under paragraph (7) determines that
11 the renewal is in the best interest of public
12 health and the environment; and

13 “(iii) no member or entity of the ap-
14 plicant organization objects to the renewal.

15 “(5) INTERIM REPORT.—Not later than 3 years
16 after issuing the first integrated permit under para-
17 graph (3), the Administrator, in consultation with
18 the management panel, shall develop and submit to
19 Congress a report on the results of the demonstra-
20 tion project authorized under this section, includ-
21 ing—

22 “(A) the number of, and a description of,
23 the demonstration sites approved under this
24 section;

1 “(B) statistics indicating, for each dem-
2 onstration site, and for the aggregate of all
3 demonstration sites, changes in—

4 “(i) total environmental loadings;

5 “(ii) risks to human health and the
6 environment; and

7 “(iii) compliance costs (including
8 labor and energy);

9 “(C) recommendations for improving, ex-
10 panding, or curtailing the demonstration project
11 authorized under this section; and

12 “(D) if appropriate, any interim conclu-
13 sions and recommendations for the development
14 of more efficient methods of compliance or reg-
15 ulatory procedures that are broadly applicable.

16 “(6) FINAL REPORT.—Not later than 3 years
17 after the date of submission of the interim report re-
18 quired under paragraph (5), the Administrator, in
19 consultation with the management panel established
20 under paragraph (7), shall develop and submit to
21 Congress a final report on the results of the dem-
22 onstration project authorized under this title, includ-
23 ing the information specified in paragraph (5).

24 “(7) MANAGEMENT PANEL.—In carrying out
25 the demonstration project established under para-

1 graph (1), the Administrator shall establish a panel
2 of experts from the Environmental Protection Agen-
3 cy to manage the demonstration project. The man-
4 agement panel shall—

5 “(A) on a competitive basis, review and
6 recommend to the Administrator the approval
7 or disapproval of the participation of applicants
8 in the demonstration project in a manner that
9 maximizes—

10 “(i) geographic diversity among the
11 demonstration sites;

12 “(ii) a sample of demonstration sites
13 representing multiple industrial sectors;

14 “(iii) the potential for environmental
15 improvement and source reduction from
16 each demonstration site;

17 “(iv) the potential benefit to the local
18 community surrounding each demonstra-
19 tion site;

20 “(v) the compliance of each dem-
21 onstration site with all applicable environ-
22 mental requirements;

23 “(vi) early, direct, and meaningful
24 community involvement; and

1 “(vii) the inclusion of environmental
2 requirements that are enforceable by a
3 State in the demonstration project;

4 “(B) review and recommend to the Admin-
5 istrator the approval or disapproval of each ap-
6 plication for, or modification or renewal of, an
7 integrated permit in a manner that maxi-
8 mizes—

9 “(i) environmental and health bene-
10 fits;

11 “(ii) source reduction;

12 “(iii) cost efficiency; and

13 “(iv) participation of the community
14 located in the vicinity of each demonstra-
15 tion site; and

16 “(C) consult with, and seek input from,
17 parties interested in the development and oper-
18 ation of the demonstration project (including
19 each community located in the vicinity of each
20 demonstration site).

21 “(e) PARTICIPANT RESPONSIBILITIES.—

22 “(1) INTEGRATED PERMIT APPLICATION.—Not
23 later than 180 days after the date of approval of an
24 application to participate in the demonstration
25 project, the participant shall develop and submit to

1 the Administrator an application for an integrated
2 permit. The application shall include, with respect to
3 the demonstration site—

4 “(A) an audit of the baseline of the dem-
5 onstration site;

6 “(B) an analysis of total environmental
7 loadings for the 2-year period immediately pre-
8 ceding the year of the baseline, that indicates
9 that the baseline is not artificially inflated;

10 “(C) a pollution prevention plan prepared
11 pursuant to section 6609; and

12 “(D) an alternative compliance plan that
13 indicates any proposed changes from otherwise
14 applicable requirements, including—

15 “(i) an analysis with respect to the al-
16 ternative compliance plan, that indicates,
17 for each affected emission point—

18 “(I) any anticipated change in
19 the emission rate to each environ-
20 mental medium for each affected pol-
21 lutant (as compared with the emis-
22 sions rate under otherwise applicable
23 requirements); and

24 “(II) any anticipated changes in
25 health or environmental risks and

1 costs as compared with the otherwise
2 applicable requirements; and

3 “(ii) an identification of any aspect of
4 the alternative plan that constitutes source
5 reduction.

6 “(2) PERMIT MODIFICATIONS.—At any time be-
7 fore the date that is 180 days before the date of ex-
8 piration of an integrated permit issued pursuant to
9 this subsection, a participant may submit an appli-
10 cation to the Administrator for a modification of the
11 conditions of the integrated permit. The application
12 shall include the rationale for the modification and
13 the information required under paragraph (1)(D).

14 “(3) ANNUAL REPORTING REQUIREMENTS.—
15 Not later than 1 year after the date of approval of
16 an application for an integrated permit pursuant to
17 this section, and not less frequently than annually
18 thereafter during the period during which the dem-
19 onstration project established under this section is in
20 effect, each participant in the demonstration project
21 established under this section shall submit to the
22 Administrator a publicly available report that, with
23 respect to the demonstration site of the partici-
24 pant—

1 “(A) specifies the actual or estimated costs
2 (including labor and energy) required to imple-
3 ment the conditions of the integrated permit is-
4 sued to the participant, as compared to costs
5 associated with the baseline established by the
6 participant pursuant to paragraph (1);

7 “(B) includes an audit of the then current
8 total environmental loadings as compared to the
9 baseline;

10 “(C) includes an assessment of the then
11 current risks to human health and the environ-
12 ment associated with the total environmental
13 loadings, as compared to the risks associated
14 with the baseline; and

15 “(D) includes, if appropriate, recommenda-
16 tions for improving the operation of the dem-
17 onstration site and the demonstration project.

18 “(f) PUBLIC PARTICIPATION.—

19 “(1) APPLICANT ORGANIZATIONS.—

20 “(A) IN GENERAL.—Each applicant orga-
21 nization that participates in the demonstration
22 project under subsection (d) shall consist of
23 representatives of—

24 “(i) the owner or operator of a dem-
25 onstration site;

1 “(ii) the State governing body for the
2 demonstration site;

3 “(iii) the local governing body for the
4 demonstration site; and

5 “(iv) interested citizen, environmental,
6 or public interest groups located in the vi-
7 cinity of a demonstration site.

8 “(B) CONSIDERATION OF COMPOSITION.—

9 In making recommendations to the Adminis-
10 trator concerning the selection of demonstration
11 sites, the management panel established under
12 subsection (d)(7) shall consider the degree to
13 which each of the categories referred to in
14 clauses (i) through (iv) of subparagraph (A) is
15 represented and involved in an applicant organi-
16 zation that submits an application for participa-
17 tion in the demonstration project.

18 “(2) EARLY, DIRECT, AND MEANINGFUL COM-
19 MUNITY INVOLVEMENT.—

20 “(A) IN GENERAL.—All members of the
21 applicant organization shall have early, direct,
22 and meaningful involvement in critical decisions
23 with regard to the relevant demonstration site,
24 including the application of the organization to
25 participate in the demonstration project submit-

1 ted pursuant to subsection (d) and the develop-
 2 ment by the organization of any alternative
 3 compliance plans.

4 “(B) CONSIDERATION OF VIEWS AND REC-
 5 COMMENDATIONS.—The management panel es-
 6 tablished under subsection (d)(7) shall consider
 7 the views and recommendations of an entire ap-
 8 plicant organization regarding all aspects of the
 9 demonstration project at a particular dem-
 10 onstration site.

11 “(3) TECHNICAL ASSISTANCE GRANTS.—The
 12 Administrator may provide a technical assistance
 13 grant to each applicant organization and each local
 14 community in the vicinity of each demonstration
 15 site.

16 “(g) TERMINATION.—Except as provided in sub-
 17 section (d)(4), the demonstration project shall terminate
 18 not later than 10 years after the date of enactment of this
 19 section.”; and

20 (3) by striking section 6613 and inserting the
 21 following new section:

22 **“SEC. 6613. AUTHORIZATION OF APPROPRIATIONS.**

23 “(a) IN GENERAL.—There are authorized to be ap-
 24 propriated to the Environmental Protection Agency—

1 “(1) to carry out section 6605, \$8,000,000 for
2 each of fiscal years 1994 through 1998;

3 “(2) to carry out section 6611, \$10,000,000 for
4 each of fiscal years 1995 through 2002; and

5 “(3) to carry out the other provisions of this
6 subtitle, \$8,000,000 for each of fiscal years 1994
7 through 1998.

8 “(b) TECHNICAL ASSISTANCE GRANTS.—Of the
9 funds made available to the Administrator by appropria-
10 tions pursuant to subsection (a)(2), the Administrator
11 may use an amount not to exceed 20 percent of the funds
12 to carry out section 6611(f)(3).”.

13 **TITLE III—NONPOINT POLLU-** 14 **TION CONTROL AND WATER-** 15 **SHED PLANNING**

16 **SEC. 301. WATER QUALITY MONITORING.**

17 (a) STATE WATER QUALITY MONITORING PRO-
18 GRAMS.—Section 305 (33 U.S.C. 1315) is amended—

19 (1) in subsection (a), by inserting “IN GEN-
20 ERAL.—” after “(a)”; and

21 (2) by striking subsection (b) and inserting the
22 following new subsection:

23 “(b) STATE WATER QUALITY MONITORING PRO-
24 GRAMS.—

1 “(1) IN GENERAL.—Each State shall conduct a
2 comprehensive program to monitor the quality of the
3 waters and aquatic sediment in the State.

4 “(2) STATE PROGRAM.—Each State monitoring
5 program conducted pursuant to this subsection shall,
6 at a minimum—

7 “(A) assess whether the waters in the
8 State—

9 “(i) provide for the protection and
10 propagation of a balanced population of
11 shellfish, fish, and wildlife;

12 “(ii) allow for recreation in and on the
13 waters; and

14 “(iii) are of sufficient quality to pro-
15 vide for public water supply needs;

16 “(B) identify waters and aquatic sediment
17 that do not meet water or sediment quality
18 standards; and

19 “(C) assess the contribution of point
20 sources, nonpoint sources, and background
21 sources to the water pollution problems of the
22 State referred to in subparagraphs (A) and (B).

23 “(3) MINIMUM REQUIREMENTS.—Not later
24 than 2 years after the date of enactment of this
25 paragraph, the Administrator shall promulgate regu-

1 lations that specify minimum requirements for State
2 monitoring programs conducted pursuant to this
3 subsection, including a requirement that all navi-
4 gable waters in each State be monitored for compli-
5 ance with water and sediment quality standards not
6 less often than every 5 years. The regulations shall
7 provide an opportunity for citizens to conduct water
8 and sediment quality monitoring using methods and
9 procedures prescribed by the Administrator. Before
10 promulgating the regulations, the Administrator
11 shall consult with the Chief Executive Officer of the
12 Corporation for National and Community Service re-
13 garding the appropriate involvement, in monitoring
14 activities by citizens, by participants in a program
15 carried out under title I of the National and Com-
16 munity Service Act of 1990 (42 U.S.C. 12511 et
17 seq.). Monitoring data collected by any person in ac-
18 cordance with the methods and procedures pre-
19 scribed by the Administrator may be submitted to a
20 State and shall be used by the State, in the absence
21 of contravening information, to prepare reports on
22 water and sediment quality under this section and to
23 identify and list impaired or threatened waters
24 under section 319(a).

1 “(4) PROGRAM COORDINATION.—Each State
2 monitoring program conducted pursuant to this sub-
3 section shall coordinate the assessment of water and
4 sediment quality in the State, drawing on data
5 from—

6 “(A) monitoring programs of Federal,
7 State, and local agencies (including drinking
8 water and ground water monitoring programs);

9 “(B) monitoring of dischargers pursuant
10 to section 308 or 402;

11 “(C) monitoring and data collection activi-
12 ties underway at land-grant universities; and

13 “(D) citizen monitoring programs.

14 “(5) STATE REPORT.—

15 “(A) IN GENERAL.—Not later than 2 years
16 after the date of enactment of this paragraph,
17 and every 5 years thereafter, each State shall
18 prepare, and submit to the Administrator, a re-
19 port containing information, for all waters in
20 the State, on the attainment and maintenance
21 of water and sediment quality standards. To as-
22 sist in maintaining a national inventory of
23 water and sediment quality on a continuous
24 basis as provided in paragraph (6), each State
25 shall submit to the Administrator water and

1 sediment quality monitoring data as the data
2 becomes available during each 5-year period.

3 “(B) CONTENTS OF REPORT.—Each State
4 shall include in each report referred to in sub-
5 paragraph (A) data collected from hydrologic
6 study units, fixed monitoring stations, and
7 other monitoring programs operated by Federal
8 agencies.

9 “(6) AVAILABILITY OF DATA.—The Adminis-
10 trator shall ensure that the data provided in the re-
11 ports submitted pursuant to paragraph (5) are
12 maintained in a national inventory on a continuous
13 basis by the Environmental Protection Agency, and
14 that the repository is updated in a timely fashion.”.

15 (b) INTERGOVERNMENTAL TASK FORCE ON MON-
16 ITORING WATER QUALITY.—Section 305 (33 U.S.C.
17 1315) is amended by adding at the end the following new
18 subsection:

19 “(c) INTERGOVERNMENTAL TASK FORCE ON MON-
20 ITORING WATER QUALITY.—

21 “(1) IN GENERAL.—The President shall main-
22 tain the Intergovernmental Task Force on Monitor-
23 ing Water Quality (established to carry out the di-
24 rective of the Director of the Office of Management
25 and Budget issued in 1991 under the Office of Man-

1 agement and Budget memorandum numbered M-
2 92-01). The Task Force shall give advice with re-
3 spect to the coordination of Federal and State water
4 and sediment quality monitoring programs.

5 “(2) MEMBERSHIP OF TASK FORCE.—The Task
6 Force shall be composed of—

7 “(A) a representative of the Administrator,
8 who shall be a cochairperson of the Task Force;

9 “(B) a representative of the Director of
10 the United States Geological Survey, who shall
11 be a cochairperson of the Task Force;

12 “(C) representatives of appropriate Fed-
13 eral agencies; and

14 “(D) representatives of State, interstate,
15 and tribal environmental protection agencies
16 and natural resources agencies.

17 “(3) RESPONSIBILITIES.—The Task Force
18 shall, at a minimum—

19 “(A) review and make recommendations
20 regarding the implementation of Federal water
21 and sediment quality monitoring programs;

22 “(B) review and make recommendations
23 regarding the implementation of State water
24 quality monitoring programs pursuant to sub-
25 section (b);

1 “(C) recommend consistent quality assur-
2 ance standards for monitoring programs imple-
3 mented pursuant to this section;

4 “(D) recommend procedures and methods
5 for field data collection and the statistical anal-
6 ysis of monitoring data;

7 “(E) assist in the effective coordination of
8 data management systems; and

9 “(F) recommend procedures to ensure the
10 comparability of data collection and laboratory
11 methods, if appropriate.

12 “(4) STRATEGY.—

13 “(A) IN GENERAL.—Not later than 2 years
14 after the date of enactment of this subsection,
15 the President, after considering the rec-
16 ommendations of the Task Force, shall submit
17 to Congress a strategy for the coordinated im-
18 plementation of water and sediment quality
19 monitoring programs.

20 “(B) ELEMENTS OF STRATEGY.—The
21 strategy referred to in subparagraph (A)
22 shall—

23 “(i) review and assess the location
24 and function of fixed monitoring stations
25 and hydrologic study units; and

1 “(ii) describe—

2 “(I) the roles and responsibilities
3 of Federal agencies;

4 “(II) methods of coordination
5 among agencies, including procedures
6 to ensure the implementation of the
7 strategy;

8 “(III) the anticipated level of re-
9 sources to be devoted to monitoring
10 programs by each agency; and

11 “(IV) measures to ensure that
12 Federal monitoring programs are re-
13 sponsive to the monitoring needs of
14 States to the fullest extent prac-
15 ticable.

16 “(5) REPORT TO CONGRESS.—

17 “(A) IN GENERAL.—Not later than 3 years
18 after the date of enactment of this subsection,
19 and every 5 years thereafter, the Administrator,
20 in cooperation with the Task Force, shall pre-
21 pare and submit to Congress a report that—

22 “(i) describes the findings of monitor-
23 ing programs conducted pursuant to this
24 section; and

1 “(ii) provides a comprehensive assess-
 2 ment of conditions and trends in the qual-
 3 ity of waters throughout the United States,
 4 including a description and assessment of
 5 those waters not meeting water and sedi-
 6 ment quality standards.

7 “(B) CONTENTS OF REPORT.—The report
 8 referred to in subparagraph (A) shall identify
 9 needed changes to Federal and State monitor-
 10 ing programs, including the adequacy of fund-
 11 ing for the accomplishment of the monitoring
 12 programs provided for in this Act.”.

13 **SEC. 302. NONPOINT SOURCE POLLUTION CONTROL.**

14 (a) IMPAIRED WATERS IDENTIFICATION.—The sec-
 15 tion heading and subsection (a) of section 319 (33 U.S.C.
 16 1329) are amended to read as follows:

17 “NONPOINT SOURCE POLLUTION

18 “SEC. 319. (a) IMPAIRED WATERS.—

19 “(1) IN GENERAL.—Not later than 2 years
 20 after the date of enactment of the Water Pollution
 21 Prevention and Control Act of 1994, and every 5
 22 years thereafter, each State shall submit to the Ad-
 23 ministrator a list of the navigable waters in the
 24 State that cannot, without additional action to con-
 25 trol nonpoint sources of pollution, reasonably be an-
 26 ticipated to attain or maintain—

1 “(A) water and sediment quality stand-
2 ards; and

3 “(B) in the case of a parameter with re-
4 spect to which no water or sediment quality
5 standard is in effect, water and sediment qual-
6 ity that supports the designated use.

7 “(2) CONTENTS OF LIST.—A list submitted
8 pursuant to paragraph (1) shall include, at a mini-
9 mum, waters listed pursuant to section 304(l), un-
10 less the State demonstrates that the waters do not
11 meet the listing criteria referred to in paragraph (1).

12 “(3) DELINEATED AREAS.—For each water list-
13 ed pursuant to paragraph (1) or (4), the State shall
14 delineate the land area in the State of the watershed
15 of the listed water. Each area delineated pursuant to
16 this paragraph shall include all nonpoint sources of
17 water pollution in the watershed that contribute to
18 the impairment of the quality of the listed water.

19 “(4) OTHER WATERS.—In addition to listing
20 the waters referred to in paragraph (1), a State may
21 include, in the list prepared pursuant to such para-
22 graph, any waters in the State that the State deter-
23 mines to be—

24 “(A) threatened with impairment;

1 “(B) an outstanding national resource
2 water (as described in section 303(b)(3)(B)); or

3 “(C) ground water that is contaminated or
4 threatened with contamination by nonpoint
5 sources of pollution.

6 “(5) PUBLIC REVIEW AND COMMENT.—

7 “(A) IN GENERAL.—Each State shall pro-
8 vide an opportunity for public review and com-
9 ment on the list prepared pursuant to this sub-
10 section, including holding at least 1 public hear-
11 ing concerning the list not later than 60 days
12 before submitting the list to the Administrator
13 and providing an opportunity for persons resid-
14 ing in the State to request the listing or
15 delisting of a water.

16 “(B) CHANGES TO LIST.—Before submit-
17 ting the list prepared pursuant to this sub-
18 section to the Administrator, the State shall act
19 on each request received under subparagraph
20 (A) by adding to the list any water that the
21 State finds meets the listing criteria referred to
22 in paragraph (1) and removing from the list
23 any water that the State finds does not meet
24 the listing criteria referred to in paragraph (1)
25 or (4).

1 “(6) APPROVAL BY ADMINISTRATOR.—

2 “(A) IN GENERAL.—The Administrator
3 shall review each list required to be prepared
4 pursuant to this subsection not later than 90
5 days after receipt of the list. The Administrator
6 shall approve the list if the list is consistent
7 with the requirements of this subsection. The
8 approval of the list by the Administrator shall
9 constitute a final agency action that shall be
10 reviewable, on the record, in the appropriate
11 district court of the United States.

12 “(B) ADDITIONS; EXPANSIONS.—In ap-
13 proving a list submitted by a State pursuant to
14 paragraph (1) and after providing an oppor-
15 tunity for public review and comment (including
16 holding at least 1 public hearing concerning any
17 proposed addition or expansion of the list), the
18 Administrator may—

19 “(i) add any water in the State that
20 the Administrator determines meets the
21 criteria under paragraph (1)(A); or

22 “(ii) expand an area identified pursu-
23 ant to paragraph (3) in order to make the
24 area consistent with the requirements of
25 this subsection.

1 “(7) DELETIONS FROM THE LIST.—A State
2 may, at any time after a list of impaired and threat-
3 ened waters is first submitted under paragraph (1),
4 propose that a specific water be deleted from the list
5 if the State can demonstrate through monitoring
6 and other information required by the Administrator
7 that the water is attaining and will continue to at-
8 tain applicable water and sediment quality stand-
9 ards. The Administrator shall approve or disapprove
10 a proposed deletion within 90 days of receipt of the
11 proposal from the State. The Administrator may re-
12 quire as a condition of approval of a proposed dele-
13 tion that management measures for categories or
14 subcategories of particular sources located in the de-
15 lineated area of the water be maintained.

16 “(8) ACTION BY THE ADMINISTRATOR.—In any
17 case in which a State fails to submit a list pursuant
18 to this subsection by the date specified in paragraph
19 (1), the Administrator, after providing an oppor-
20 tunity for public review and comment (including
21 holding at least 1 public hearing), shall list waters
22 and delineate land areas in a manner consistent with
23 paragraphs (1) and (3) not later than 1 year after
24 the date specified in paragraph (1).”.

1 (b) STATE MANAGEMENT PROGRAM.—Subsection (b)
2 of section 319 (33 U.S.C. 1329(b)) is amended to read
3 as follows:

4 “(b) STATE MANAGEMENT PROGRAM.—

5 “(1) IN GENERAL.—Not later than 30 months
6 after the date of enactment of the Water Pollution
7 Prevention and Control Act of 1994, and every 5
8 years thereafter, the Governor of each State shall,
9 after notice and opportunity for public comment,
10 submit to the Administrator for approval a manage-
11 ment program for controlling pollution added to wa-
12 ters from nonpoint sources and improving the qual-
13 ity of waters.

14 “(2) PROGRAM REQUIREMENTS.—Each man-
15 agement program submitted to the Administrator
16 under this subsection shall include the following:

17 “(A) A list of the categories and
18 subcategories of sources of nonpoint water pol-
19 lution, including each of the categories and
20 subcategories identified in guidance published
21 under subsection (c)(2)(A), that contribute to
22 the impairment of or threaten waters listed pur-
23 suant to subsection (a).

24 “(B) A requirement that—

1 “(i) each new source that is located in
2 the land area of an impaired water listed
3 pursuant to subsection (a) or a land area
4 identified by the Administrator by rule
5 under subsection (c)(5) implement man-
6 agement measures, consistent with the
7 guidance published pursuant to subsection
8 (c), as expeditiously as practicable, but not
9 later than 1 year after the date the re-
10 quirement is included in an approved pro-
11 gram submitted pursuant to this sub-
12 section; and

13 “(ii) each existing source that is lo-
14 cated in the land area of an impaired
15 water listed pursuant to subsection (a) im-
16 plement management measures consistent
17 with the guidance published pursuant to
18 subsection (c), or develop a site-specific
19 plan pursuant to subsection (f), as expedi-
20 tiously as practicable, but not later than 3
21 years after the date of approval of a pro-
22 gram submitted pursuant to this sub-
23 section.

24 “(C) Goals and milestones for progress in
25 attaining water quality standards, including a

1 projected date for attaining designated uses as
2 soon as practicable but not later than 10 years
3 after the date on which the program is ap-
4 proved under this section, for each of the wa-
5 ters listed pursuant to subsection (a).

6 “(D) A description of the programs (in-
7 cluding appropriate nonregulatory or regulatory
8 programs for enforcement, technical assistance,
9 financial assistance, education, training, tech-
10 nology transfer, and demonstration projects) to
11 be carried out to control pollution added to
12 water from nonpoint sources.

13 “(E) A certification of the attorney general
14 (or equivalent official) of the State stating that
15 the laws of the State provide sufficient author-
16 ity to ensure the implementation of the man-
17 agement program of the State, including, at a
18 minimum, the authority to seek injunctive relief
19 for the failure to implement and carry out a
20 measure pursuant to subparagraph (B).

21 “(F) A description of sources of Federal
22 assistance and other assistance and funding (in
23 addition to assistance provided under subsection
24 (h) or (i)) that will be available for each fiscal
25 year during which measures will be imple-

1 mented pursuant to subparagraph (B), and the
2 purposes for which the assistance will be used
3 during each of the fiscal years.

4 “(G)(i) A description of Federal financial
5 assistance programs and Federal development
6 projects with respect to which the State will re-
7 view individual applications for assistance or de-
8 velopment projects to determine—

9 “(I) the effect of the assistance or de-
10 velopment project on water quality (pursu-
11 ant to the procedures set forth in Execu-
12 tive Order 12372, as in effect on Septem-
13 ber 17, 1983); and

14 “(II) whether the assistance or devel-
15 opment project would be consistent with
16 the management program developed pursu-
17 ant to this subsection.

18 “(ii) In addition to including Federal fi-
19 nancial assistance programs and development
20 projects subject to the Executive Order referred
21 to in clause (i), the Federal financial assistance
22 programs and development projects identified
23 pursuant to this subparagraph may include as-
24 sistance programs or development projects
25 that—

1 “(I) are not subject to the Executive
2 Order;

3 “(II) are listed in the most recent
4 Catalog of Federal Domestic Assistance re-
5 quired to be published by the Adminis-
6 trator of General Services under section
7 6104 of title 31, United States Code; and

8 “(III) may have a significant effect
9 with respect to meeting the purposes and
10 objectives of the nonpoint source pollution
11 management program of the State.

12 “(3) STATE ALTERNATIVE MANAGEMENT MEAS-
13 URES.—

14 “(A) IN GENERAL.—In developing a man-
15 agement program under this subsection, a State
16 may select alternative management measures
17 and practices that are not identified in the
18 guidance published pursuant to subsection (c) if
19 the alternative measures and practices are as
20 effective or more effective in controlling
21 nonpoint source pollution as the measures and
22 practices specified in the guidance published
23 pursuant to subsection (c).

24 “(B) ALTERNATIVE REQUIREMENTS FOR A
25 SOURCE.—With the approval of the Adminis-

1 trator, a State may adopt an alternative re-
2 quirement with respect to a specific source of
3 nonpoint source pollution on the basis of a
4 showing by the owner or operator of the source
5 that the alternative requirement will represent
6 the maximum use of management measures and
7 practices within the economic capability of the
8 owner or operator.

9 “(C) GROUND WATER MANAGEMENT MEAS-
10 URES.—To the extent that a State has listed
11 ground waters pursuant to subsection (a)(4)(C),
12 the management program submitted by the
13 State under this subsection shall identify the
14 source categories and subcategories or particu-
15 lar sources of nonpoint pollution to which the
16 program applies and the management measures
17 that sources in the categories and subcategories
18 are required to implement.

19 “(4) UTILIZATION OF LOCAL AND PRIVATE EX-
20 PERTS.—In developing and implementing a manage-
21 ment program under this subsection, a State shall,
22 to the maximum extent practicable, involve public
23 and private agencies and organizations that have ex-
24 pertise in the control of nonpoint sources of pollu-

1 tion, including any agency or organization that
2 has—

3 “(A) been certified by the Administrator in
4 accordance with section 208;

5 “(B) worked jointly with the State on
6 water quality management planning under sec-
7 tion 205(j); or

8 “(C) been designated by the State legisla-
9 tive body or Governor as a water quality man-
10 agement planning agency for the geographic
11 area of the agency or organization.

12 “(5) DEVELOPMENT ON WATERSHED BASIS.—A
13 State shall, to the maximum extent practicable, de-
14 velop and implement a management program under
15 this subsection on a watershed basis within the
16 State.

17 “(6) APPLICABILITY OF OTHER PROGRAMS.—A
18 State that has in effect a program approved pursu-
19 ant to section 6217(b) of the Coastal Zone Act Re-
20 authorization Amendments of 1990 (16 U.S.C.
21 1455b(b)) shall be considered to meet the require-
22 ments of this subsection for the area of the State
23 covered by the program.

24 “(7) FAILURE TO SUBMIT A MANAGEMENT PRO-
25 GRAM.—

1 “(A) IN GENERAL.—If a State fails to sub-
2 mit a management program to the Adminis-
3 trator pursuant to paragraph (1), or if the Ad-
4 ministrators disapproves a program submitted by
5 a State pursuant to paragraph (1), not later
6 than 1 year after the deadline for submittal
7 under paragraph (1) or the date on which the
8 Administrator disapproves a program, the Ad-
9 ministrators, after providing notice and an op-
10 portunity for public comment, shall issue regu-
11 lations that provide for the implementation of a
12 management program for the State in a man-
13 ner consistent with this subsection.

14 “(B) REQUIREMENTS FOR REGULA-
15 TIONS.—A Federal program established by sub-
16 paragraph (A) shall—

17 “(i) be deemed to be an approved pro-
18 gram, in the case of a State that fails to
19 submit a management program, 1 year
20 after the date specified in paragraph (1),
21 and, in the case of the disapproval by the
22 Administrator of a program, on the date of
23 disapproval; and

24 “(ii) remain in effect until such time
25 as the Governor of the State submits a

1 management program that meets the re-
 2 quirements of this subsection to the Ad-
 3 ministrator, and the Administrator ap-
 4 proves the program.

5 “(C) FUNDING OF MANAGEMENT PROGRAM
 6 ESTABLISHED BY REGULATION.—The Adminis-
 7 trator may use sums allocated to the State pur-
 8 suant to subsection (h) to carry out a manage-
 9 ment program established by regulation pursu-
 10 ant to this paragraph (including making grants
 11 to substate agencies approved by the Adminis-
 12 trator pursuant to subsection (e)).

13 “(8) DEFINITIONS.—As used in this subsection:

14 “(A) EXISTING SOURCE.—The term ‘exist-
 15 ing source’ means a nonpoint source of water
 16 pollution that is not a new source.

17 “(B) NEW SOURCE.—The term ‘new
 18 source’ means a new or expanded operation or
 19 facility that is a source of nonpoint water pollu-
 20 tion that is identified as a new source by the
 21 Administrator in the guidance published under
 22 subsection (c).”.

23 (c) NATIONAL PROGRAM GUIDANCE.—Subsection (c)
 24 of section 319 (33 U.S.C. 1329(c)) is amended to read
 25 as follows:

1 “(c) NATIONAL PROGRAM GUIDANCE.—

2 “(1) IN GENERAL.—The Administrator, in con-
3 sultation with the heads of other Federal agencies,
4 shall publish guidance that specifies elements of
5 nonpoint source pollution management programs.

6 “(2) CONTENTS OF GUIDANCE.—The guidance
7 published under this subsection shall include, at a
8 minimum—

9 “(A) a description of categories and
10 subcategories of sources of nonpoint pollution;

11 “(B) a description of management meas-
12 ures appropriate to each category or sub-
13 category of sources identified in subparagraph
14 (A), including a description of each method or
15 practice, structural or nonstructural control,
16 and operation and maintenance procedure that
17 constitutes each measure, taking into account
18 the impact of the measure on ground water
19 quality;

20 “(C) program implementation criteria ap-
21 propriate to ensure the implementation of man-
22 agement measures;

23 “(D) a description of methods to estimate
24 reductions in nonpoint pollution loads necessary
25 to attain and maintain water and sediment

1 quality standards and achieve the goals and re-
2 quirements of this Act; and

3 “(E) a description of any necessary mon-
4 itoring to assess over time the success of man-
5 agement measures in reducing nonpoint pollu-
6 tion and improving water quality.

7 “(3) REGIONAL VARIATION.—In establishing
8 guidance for management measures under this sec-
9 tion, the Administrator shall take into account vari-
10 ations in hydrology, geology, climate, and land and
11 water management practices across the regions of
12 the United States and shall ensure that the manage-
13 ment measures prescribed are appropriate for the re-
14 gion in which the measures are to be implemented.

15 “(4) NEW SOURCES ON IMPAIRED WATERS.—
16 The Administrator may list categories and
17 subcategories of new sources (and issue associated
18 management measures) in the guidance published
19 under this subsection, if the Administrator deter-
20 mines that new sources in the category or sub-
21 category are likely, in the absence of the manage-
22 ment measures, to contribute to pollution that pre-
23 vents the attainment or maintenance of water or
24 sediment quality standards. State programs required
25 to be submitted pursuant to subsection (b) prior to

1 30 months after the date of enactment of the Water
2 Pollution Prevention and Control Act of 1994 shall
3 include management measures for new sources in
4 categories or subcategories for which the Adminis-
5 trator has issued guidance prior to 18 months after
6 such date.

7 “(5) NEW SOURCES ON OTHER WATERS.—The
8 Administrator may by rule, after notice and oppor-
9 tunity for public comment, require State programs
10 submitted under subsection (b) to include require-
11 ments for the implementation of management meas-
12 ures, as specified in guidance under this subsection
13 or by the State under subsection (b)(3), for cat-
14 egories and classes of new sources located in land
15 areas outside of impaired waters listed pursuant to
16 subsection (a).

17 “(6) PUBLICATION OF GUIDANCE.—

18 “(A) PROPOSED GUIDANCE.—Not later
19 than 90 days after the date of enactment of
20 this paragraph, the Administrator shall publish
21 proposed guidance pursuant to this subsection.

22 “(B) REVIEW.—The Administrator shall
23 provide the heads of interested Federal agen-
24 cies, States, and other interested persons an op-

1 portunity to submit written comments on the
2 proposed guidance.

3 “(C) FINAL GUIDANCE.—Not later than
4 180 days after the date of enactment of this
5 paragraph, the Administrator shall publish final
6 guidance pursuant to this subsection.

7 “(7) DEFINITIONS.—As used in this subsection:

8 “(A) MANAGEMENT MEASURES.—The term
9 ‘management measures’ means economically
10 achievable measures for the control of pollution
11 from existing sources and new sources (as de-
12 fined in subsection (b)(8)) that reflect the
13 greatest degree of pollution reduction achievable
14 through the application of the best available
15 nonpoint pollution control practices, tech-
16 nologies, processes, siting criteria, operating
17 methods, or other alternatives.

18 “(B) PROGRAM IMPLEMENTATION CRI-
19 TERIA.—The term ‘program implementation
20 criteria’—

21 “(i) means specified characteristics of
22 a program that will result in the effective
23 and reliable implementation of manage-
24 ment measures and the maintenance of the

1 management measures over the long term;
 2 and
 3 “(ii) includes appropriate State laws,
 4 county or municipal ordinances, financial
 5 assistance programs, and related enforce-
 6 able authorities.”.

7 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
 8 PROGRAMS.—Subsection (d) of section 319 (33 U.S.C.
 9 1329(d)) is amended—

10 (1) in paragraph (1)—

11 (A) in the first sentence—

12 (i) by striking “report or” both places
 13 it appears; and

14 (ii) by striking “, as the case may
 15 be”; and

16 (B) by striking the third sentence;

17 (2) in paragraph (2)—

18 (A) in subparagraph (A), by striking
 19 “(b)(2)” and inserting “(b)”;

20 (B) in subparagraph (C), by striking “suf-
 21 ficiently expeditious” and inserting “consistent
 22 with the schedules established in subsection
 23 (b)”;

24 (C) in subparagraph (D), by inserting be-
 25 fore “are not adequate to reduce the level of

1 pollution in navigable waters” the following:
2 “are not consistent with the requirements of
3 subsection (b) for all new sources and for exist-
4 ing sources located in delineated areas for wa-
5 ters listed pursuant to subsection (a), or other-
6 wise”; and

7 (3) by striking paragraph (3) and inserting the
8 following new paragraph:

9 “(3) GRANT ADJUSTMENT.—

10 “(A) IN GENERAL.—For fiscal year 1998,
11 and for each fiscal year thereafter—

12 “(i) no grant funds available to a
13 State under this section shall be awarded
14 to a State that does not have in effect a
15 management program that has been ap-
16 proved by the Administrator pursuant to
17 this subsection; and

18 “(ii) the Administrator shall reserve a
19 proportionate share of the funds made
20 available to States under this section for
21 any State that does not have in effect a
22 management program that has been ap-
23 proved by the Administrator pursuant to
24 this subsection.

1 “(B) ALLOCATION OF RESERVED
2 FUNDS.—The Administrator shall first allocate
3 any amount reserved pursuant to subparagraph
4 (A)(ii), in such amounts as the Administrator
5 considers appropriate, among local management
6 programs in the State that have been approved
7 pursuant to subsection (e). The Administrator
8 shall make available any amounts that the Ad-
9 ministrator does not allocate in accordance with
10 the preceding sentence to States that have in
11 effect a program approved by the Administrator
12 pursuant to this subsection.”.

13 (e) SITE-SPECIFIC WATER QUALITY PLANS.—Sub-
14 section (f) of section 319 is amended to read as follows:

15 “(f) SITE-SPECIFIC WATER QUALITY PLANS.—

16 “(1) IN GENERAL.—

17 “(A) SOURCES.—Each State management
18 program that is approved by the Administrator
19 pursuant to subsection (d) shall provide that
20 sources of nonpoint pollution, including agricul-
21 tural sources, that are located in the delineated
22 area of a water listed pursuant to subsection
23 (a) may implement a site-specific water quality
24 plan in lieu of implementing the management
25 measures described in subsection (c).

1 “(B) AGRICULTURAL SOURCES.—With re-
2 spect to agricultural sources that implement a
3 plan referred to in subparagraph (A), the Sec-
4 retary of Agriculture, acting through the Chief
5 of the Soil Conservation Service, in consultation
6 with the State Agricultural Experiment Sta-
7 tions and Cooperative Extension Services of the
8 land-grant universities, shall assist States in the
9 development and implementation of the plans to
10 the fullest extent practicable.

11 “(2) REQUIREMENTS FOR PLAN.—Each plan
12 developed pursuant to paragraph (1) shall—

13 “(A) provide for the implementation of
14 management measures that—

15 “(i) are appropriate to the site;

16 “(ii) are economically achievable by
17 the owner or operator of the source; and

18 “(iii) will result in a significant reduc-
19 tion in nonpoint pollution from the source;

20 “(B) recognize and incorporate appropriate
21 management measures in place at the site at
22 the time the plan is developed;

23 “(C) establish schedules for the implemen-
24 tation of management measures as expedi-

1 tiously as practicable, but not later than 3
2 years after the date of initiation of the plan;

3 “(D) provide for a periodic assessment of
4 the implementation of the plan and the effect of
5 management measures; and

6 “(E) terminate on the date that is 5 years
7 after the date of initiation of the plan.

8 “(3) AGRICULTURAL PLANS.—To assist in the
9 development of site-specific water quality plans for
10 agricultural sources pursuant to this subsection,
11 each State with a management program that has
12 been approved by the Administrator pursuant to
13 subsection (d) shall develop, in consultation with the
14 State Agricultural Experiment Stations and Cooper-
15 ative Extension Services of the land-grant univer-
16 sities, a local handbook that is based on the local
17 field technical guides of the Soil Conservation Serv-
18 ice of the Department of Agriculture.

19 “(4) PLAN APPROVAL.—Each plan developed
20 pursuant to paragraph (1) shall be reviewed by an
21 appropriate official of the Federal or State agency
22 specified in the management program developed pur-
23 suant to subsection (b). If the plan meets the re-
24 quirements of paragraph (2), the official shall ap-
25 prove the plan.

1 “(5) EFFECT OF EXISTING PLANS THAT PRO-
2 TECT WATER QUALITY.—

3 “(A) IN GENERAL.—An owner or operator
4 of a nonpoint source who, as of the date of en-
5 actment of this paragraph, is actively applying
6 or maintaining—

7 “(i) a plan developed pursuant to the
8 conservation compliance program estab-
9 lished under subtitle B of title XII of the
10 Food Security Act of 1985 (16 U.S.C.
11 3811 et seq.); or

12 “(ii) a plan developed pursuant to the
13 agricultural water quality protection pro-
14 gram established under chapter 2 of sub-
15 title D of title XII of the Food Security
16 Act of 1985 (16 U.S.C. 3838 et seq.),
17 shall be deemed to satisfy the requirements of
18 paragraph (1).

19 “(B) ADDITIONS TO EXISTING PLANS.—If
20 a predominant portion of the land area of an
21 owner or operator described in subparagraph
22 (A)—

23 “(i) is not covered by an applicable
24 plan referred to in such subparagraph; and

1 “(ii) is contributing to the impairment
2 of a water listed pursuant to subsection
3 (a)(1),

4 the owner or operator shall develop a plan for
5 the land area pursuant to the requirements of
6 paragraph (2), unless the owner or operator is
7 complying with management measures consist-
8 ent with the guidance published pursuant to
9 subsection (c). After consulting with the Sec-
10 retary of Agriculture, the Administrator shall
11 issue guidelines for determining when an owner
12 or operator is required to develop a plan for a
13 land area pursuant to this subparagraph.

14 “(C) REVISED PLANS.—Beginning on the
15 date that is 7 years after the approval of a
16 State program first submitted after the date of
17 enactment of this subparagraph (or a Federal
18 program implemented pursuant to subsection
19 (b)(7)), only plans for sources in the State that
20 have been revised to be fully consistent with the
21 requirements of paragraph (2) shall be deemed
22 to satisfy the requirements of paragraph (1).”.

23 (f) GRANT PROGRAMS.—Section 319(h) (33 U.S.C.
24 1329(h)) is amended—

25 (1) in the first sentence of paragraph (1)—

1 (A) by striking “a report submitted under
2 subsection (a) and”;

3 (B) by inserting “(A)” before “a manage-
4 ment program submitted under subsection (b)”;

5 (C) by inserting “, or (B) a management
6 program submitted and approved under section
7 6217(b) of the Coastal Zone Act Reauthoriza-
8 tion Amendments of 1990 (16 U.S.C.
9 1455b(b))” after “this section”; and

10 (D) by inserting “developing and” before
11 “implementing such management program”;

12 (2) in paragraph (2), by striking “best manage-
13 ment practices and measures” and inserting “man-
14 agement measures”;

15 (3) by striking paragraph (5) and inserting the
16 following new paragraph:

17 “(5) ALLOTMENT OF GRANT FUNDS.—

18 “(A) IN GENERAL.—The Administrator
19 shall establish a formula for the allocation of
20 sums made available by appropriations to carry
21 out this subsection pursuant to subsection (j).

22 “(B) FORMULA.—The formula developed
23 pursuant to subparagraph (A) shall reflect the
24 following factors that relate to nonpoint source
25 pollution in each State:

1 “(i) Cropland acreage.

2 “(ii) Pasture and rangeland acreage.

3 “(iii) Acreage managed for timber
4 harvesting.

5 “(iv) Recreational and commercial
6 boating activity.

7 “(v) Acreage of wellhead protection
8 areas established pursuant to section 1428
9 of title XIV of the Public Health Service
10 Act (commonly known as the ‘Safe Drink-
11 ing Water Act’) (42 U.S.C. 300h–7).

12 “(vi) Stormwater discharges owned by
13 municipalities other than discharges sub-
14 ject to the requirements of section 402(p).

15 “(C) RECENT DATA.—In establishing the
16 formula pursuant to subparagraph (A), the Ad-
17 ministrator shall use the most recent available
18 data for the factors listed under subparagraph
19 (B).

20 “(D) PROPORTIONATE CONTRIBUTION.—
21 The formula shall assign a weight for each fac-
22 tor listed in subparagraph (B) in accordance
23 with the proportionate contribution of the fac-
24 tor to nonpoint source pollution.

1 “(E) RESERVED AMOUNT.—Beginning
 2 with fiscal year 1998, the Administrator shall
 3 reserve 20 percent of the amount of funds made
 4 available by appropriation to carry out this sub-
 5 section pursuant to subsection (j). From the re-
 6 served amount, the Administrator shall allocate
 7 to each State an amount that bears the same
 8 ratio to the total reserved amount as the
 9 amount of acreage delineated by the State pur-
 10 suant to subsection (a) bears to the total
 11 amount of acreage delineated by all States pur-
 12 suant to subsection (a).

13 “(F) MINIMUM PERCENTAGE.—The mini-
 14 mum percentage of funds allocated to each of
 15 the States pursuant to the formula developed
 16 pursuant to subparagraph (A) shall be 0.5 per-
 17 cent.”;

18 (4) in the first sentence of paragraph (6), by
 19 inserting before the period the following: “, and shall
 20 remain available for the following fiscal year”;

21 (5) by striking paragraph (7) and inserting the
 22 following new paragraph:

23 “(7) LIMITATION ON USE OF FUNDS.—

24 “(A) IN GENERAL.—Each State may use
 25 funds from a grant made pursuant to this sec-

1 tion to provide financial assistance to a person
2 only for the purpose of complying with sub-
3 section (b) (including the implementation of a
4 site-specific water quality plan developed pursu-
5 ant to subsection (f)) and only to the extent
6 that the assistance is related to—

7 “(i) the cost of a demonstration
8 project;

9 “(ii) an incentive grant; or

10 “(iii) land acquisition or a conserva-
11 tion easement.

12 “(B) LIMITATION.—An incentive grant
13 may be made only if—

14 “(i) the amount of funding for a
15 project provided pursuant to this sub-
16 section does not exceed 50 percent of the
17 cost of the project;

18 “(ii) the amount of funding for a
19 project from all Federal sources does not
20 exceed 75 percent of the cost of the
21 project;

22 “(iii) the amount of the assistance to
23 any person does not exceed \$10,000 per
24 year;

1 “(iv) the State determines before
2 awarding the grant that the measure fund-
3 ed by the grant has a design life in excess
4 of 5 years; and

5 “(v) in making the grants available,
6 the State will give highest priority to per-
7 sons with the greatest financial need.

8 “(C) LIMITATIONS ON LAND ACQUISITION
9 AND CONSERVATION EASEMENT GRANTS.—

10 “(i) CONSISTENCY.—Land acquisition
11 or a conservation easement may be funded
12 under this paragraph only if the land ac-
13 quisition or conservation easement is con-
14 sistent with a site-specific water quality
15 plan developed pursuant to subsection (f)
16 or with applicable management measures
17 pursuant to subsection (b)(3)(A) or (c).

18 “(ii) LIMITATION.—The amount of
19 funds used by a State in any year from
20 grants authorized under this subsection for
21 incentive grants, land acquisition, or con-
22 servations shall not exceed an
23 amount equal to 70 percent of the total
24 amount of funds made available to the
25 State in that year under this subsection.

1 “(D) INCENTIVE GRANT DEFINED.—As
2 used in this paragraph, the term ‘incentive
3 grant’ means a grant to an individual to imple-
4 ment either—

5 “(i) a site-specific water quality plan
6 developed pursuant to subsection (f); or

7 “(ii) applicable management meas-
8 ures.”;

9 (6) in paragraph (12), by inserting “land acqui-
10 sition, conservation easement, and incentive grants,”
11 after “demonstration projects,”; and

12 (7) by adding at the end the following new
13 paragraph:

14 “(13) FAILURE TO IMPLEMENT.—If the Admin-
15 istrator determines that a State has substantially
16 failed to implement a program pursuant to this sec-
17 tion, the Administrator shall withhold not less than
18 25 percent, and not more than 50 percent, of the
19 funds that would otherwise have been available to
20 the State pursuant to this subsection. The amount
21 of funds withheld pursuant to this paragraph shall
22 be allocated in the same manner as funds allocated
23 pursuant to subsection (d)(3)(B).”.

24 (g) GROUND WATER QUALITY GRANTS.—Section
25 319(i) (33 U.S.C. 1329(i)) is amended—

1 (1) in paragraph (1)—

2 (A) by striking “for which a report submit-
3 ted under subsection (a) and a plan submitted
4 under subsection (b) is approved under this sec-
5 tion”; and

6 (B) by striking “Administrator shall” and
7 inserting “Administrator may”;

8 (2) in paragraph (3), by striking “, except that
9 the maximum amount of Federal assistance which
10 any State may receive under this subsection in any
11 fiscal year shall not exceed \$150,000”; and

12 (3) by striking paragraph (4).

13 (h) AUTHORIZATION OF APPROPRIATIONS.—Section
14 319(j) (33 U.S.C. 1329(j)) is amended by inserting after
15 the first sentence the following new sentence: “There are
16 authorized to be appropriated to carry out subsections (h)
17 and (i) an amount not to exceed \$300,000,000 for fiscal
18 year 1995, \$500,000,000 for each of fiscal years 1996
19 through 1998, and \$600,000,000 for each of fiscal years
20 1999 and 2000. For each of fiscal years 1995 through
21 2000, not to exceed \$15,000,000 of the amounts author-
22 ized by the preceding sentence shall be made available to
23 carry out subsection (i).”.

24 (i) TECHNICAL INFORMATION AND ASSISTANCE.—
25 Section 319(l) (33 U.S.C. 1329(l)) is amended—

1 (1) by striking “(1)” and inserting “(A)”;

2 (2) by striking “(2)” and inserting “(B)”;

3 (3) by striking “INFORMATION.—The Adminis-
4 trator” and inserting the following: “INFORMA-
5 TION.—

6 “(1) IN GENERAL.—The Administrator”; and

7 (4) by adding at the end the following new
8 paragraph:

9 “(2) EDUCATION AND OUTREACH.—

10 “(A) IN GENERAL.—The Administrator
11 may provide grants to and enter into coopera-
12 tive agreements with public and nonprofit agen-
13 cies and organizations, and enter into contracts
14 with other persons, to provide technical assist-
15 ance, establish and maintain clearinghouses,
16 publish and circulate newsletters, publish and
17 disseminate educational materials, and sponsor
18 conferences and events for the owners or opera-
19 tors of sources of nonpoint water pollution to
20 further the goals and objectives of this Act.

21 “(B) MARINA PROGRAM.—The Adminis-
22 trator is authorized to make grants to the
23 CleanMarina Program to support the reduction
24 of pollution resulting from the operation of ma-
25 rina facilities and recreational boating activities.

1 The International Marina Institute shall serve
2 as the executive of the CleanMarina Program
3 and may use grants under this paragraph to—

4 “(i) produce and publish a marina en-
5 vironmental compliance handbook;

6 “(ii) conduct a national marina water
7 quality survey;

8 “(iii) develop and maintain a water
9 quality information clearinghouse for ma-
10 rina owners and operators; and

11 “(iv) conduct a marina outreach pro-
12 gram sponsoring seminars and conferences
13 in all regions of the United States.

14 “(C) AUTHORIZATION OF APPROPRIA-
15 TIONS.—There are authorized to be appro-
16 priated to the Administrator to carry out this
17 paragraph \$5,000,000 for each of fiscal years
18 1995 through 2000, of which not less than
19 \$1,000,000 for each of fiscal years 1995
20 through 1997 shall be made available to sup-
21 port the CleanMarina Program.”.

22 (j) FEDERAL LANDS AND HIGHWAYS.—Subsection
23 (m) of section 319 (33 U.S.C. 1329(m)) is amended to
24 read as follows:

25 “(m) FEDERAL LANDS AND HIGHWAYS.—

1 “(1) FEDERAL LANDS AND ACTIVITIES.—

2 “(A) IN GENERAL.—The President shall
3 direct the heads of appropriate Federal agencies
4 that own or manage land, or issue licenses for
5 activities that cause nonpoint source pollution,
6 to promulgate regulations to ensure the imple-
7 mentation of management measures to control
8 nonpoint sources of water pollution, including,
9 at a minimum—

10 “(i) management measures identified
11 pursuant to subsection (c) for new sources;
12 and

13 “(ii) for existing sources located with-
14 in the delineated area of a water listed
15 under subsection (a), the implementation
16 of management measures identified pursu-
17 ant to subsection (c) or the implementation
18 of a site-specific water quality plan pursu-
19 ant to subsection (f).

20 “(B) SCHEDULES; EFFECTIVE DATE.—

21 “(i) SCHEDULES.—The schedule for
22 implementing management measures and
23 site-specific water quality plans pursuant
24 to subparagraph (A) shall be consistent
25 with any schedule established by the State

1 under a State program approved pursuant
2 to subsection (d).

3 “(ii) EFFECTIVE DATE.—The require-
4 ments of this paragraph shall take effect
5 on a date specified by the President, but
6 not later than 3 years after the date of en-
7 actment of this paragraph.

8 “(C) APPROPRIATE MODIFICATION.—Any
9 license, permit, contract, special use permit,
10 lease, agreement, claim or related operational
11 authority between a Federal agency and a per-
12 son that authorizes activities on Federal lands
13 and is in effect on the date specified in sub-
14 paragraph (B)(ii), shall, if appropriate, be
15 modified to ensure the implementation of the
16 measures identified pursuant to subparagraph
17 (A) in conformance with the schedule referred
18 to in subparagraph (B).

19 “(D) STATUTORY CONSTRUCTION.—Noth-
20 ing in this paragraph is intended to limit or
21 constrain the authority of a State or the Ad-
22 ministrator to require the implementation of
23 such additional controls over nonpoint sources
24 of pollution on Federal lands as may be nec-
25 essary to attain and maintain standards adopt-

1 ed pursuant to section 303 or other require-
2 ments of this Act.

3 “(2) HIGHWAY CONSTRUCTION.—

4 “(A) IN GENERAL.—The Administrator, in
5 cooperation with the Secretary of Transpor-
6 tation, shall develop measures and practices to
7 prevent water pollution resulting from highway
8 construction and use and promote the imple-
9 mentation of the measures and practices.

10 “(B) CERTAIN PROJECTS.—The guidelines
11 developed by the Secretary of Transportation
12 pursuant to section 1057 of the Intermodal
13 Surface Transportation Efficiency Act of 1991
14 (Public Law 102–240; 105 Stat. 2002) shall, at
15 a minimum, require the implementation of man-
16 agement measures specified under subsection
17 (c) in the case of any construction project fund-
18 ed in whole or in part under title I of such Act.
19 The Secretary shall withhold funds for any
20 project referred to in the preceding sentence
21 unless the Secretary determines that the project
22 will comply with the guidelines.”.

23 (k) ANIMAL WASTE MANAGEMENT FACILITIES.—

24 Section 319 (33 U.S.C. 1329) is amended by adding at
25 the end the following new subsection:

1 “(o) ANIMAL WASTE MANAGEMENT FACILITIES.—

2 “(1) IN GENERAL.—For the purposes of quali-
3 fying for financial assistance pursuant to section
4 603(c)(1), a person may submit to the Adminis-
5 trator (or in the case of a State with a program ap-
6 proved by the Administrator under subsection (d),
7 the State) a plan for the construction of an animal
8 waste management facility. Each plan submitted
9 pursuant to this paragraph shall—

10 “(A) be consistent with the guidelines de-
11 scribed in the agriculture waste management
12 field handbook developed by the Soil Conserva-
13 tion Service of the Department of Agriculture;

14 “(B) be designed to protect surface water
15 and ground water; and

16 “(C) include an estimate of the total cost
17 of construction of the facility.

18 “(2) REVIEW AND APPROVAL.—The Adminis-
19 trator (or in the case of a State with a program ap-
20 proved by the Administrator under subsection (d),
21 the State) shall review and approve or disapprove
22 each plan for the construction of an animal waste
23 management facility submitted pursuant to this sub-
24 section.

1 “(3) TECHNICAL ASSISTANCE.—The Secretary
2 of Agriculture may provide technical assistance and
3 education to persons concerning the design of animal
4 waste management facilities. The assistance may in-
5 clude—

6 “(A) designing facilities to account for
7 site-specific conditions; and

8 “(B) integrating facilities into related agri-
9 cultural activities and other plans pursuant to
10 subsection (b).”.

11 (l) SUBSURFACE SEWAGE DISPOSAL.—Section 319
12 (33 U.S.C. 1329), as amended by subsection (k), is fur-
13 ther amended by adding at the end the following new sub-
14 section:

15 “(p) SUBSURFACE SEWAGE DISPOSAL.—

16 “(1) IN GENERAL.—Not later than 2 years
17 after the date of enactment of this subsection, the
18 Administrator shall publish guidelines for the design,
19 operation, and management of publicly owned sub-
20 surface sewage organizations.

21 “(2) OPERATION AND MANAGEMENT STAND-
22 ARDS.—The guidelines published pursuant to this
23 subsection shall provide such standards of operation
24 and management as the Administrator determines to
25 be necessary to ensure that subsurface sewage dis-

posal units operated by an organization referred to in paragraph (1) will provide treatment adequate to protect water quality.

“(3) CONTENTS OF GUIDELINES.—The guidelines published pursuant to this subsection may set forth—

“(A) standards for the design and location of new subsurface sewage disposal systems;

“(B) maintenance requirements and schedules for existing systems (existing at the time of publication of the guidelines);

“(C) financial management and control practices;

“(D) provisions for the management or disposal of waste material for systems; and

“(E) such other matters as the Administrator determines to be appropriate.

“(4) PLAN APPROVAL.—The Administrator (or in the case of a State with a program approved by the Administrator under subsection (d), the State) shall review and approve or disapprove each plan for the establishment of a subsurface sewage disposal organization pursuant to this subsection. Upon approval of the plan, the organization shall be eligible for assistance under title VI.”.

1 (m) STATE WATER LAW.—Section 319 (33 U.S.C.
2 1329), as amended by subsection (l), is further amended
3 by adding at the end the following new subsection:

4 “(q) STATE WATER LAW.—Nothing in this section
5 is intended to supersede, abrogate, or otherwise impair the
6 right of any State to allocate any quantity of water in the
7 State.”.

8 **SEC. 303. COMPREHENSIVE WATERSHED PLANNING AND**
9 **MANAGEMENT.**

10 (a) STATEMENT OF CONGRESSIONAL POLICY.—Sec-
11 tion 101 (33 U.S.C. 1251) is amended—

12 (1) in subsection (a)(2), by inserting “a bal-
13 anced, indigenous population of” after “propagation
14 of”; and

15 (2) by adding at the end the following new sub-
16 section:

17 “(h) WATER QUALITY.—It is the policy of Congress
18 to encourage the development and implementation of com-
19 prehensive watershed management to maintain and en-
20 hance water quality, and to further the purposes of this
21 Act by—

22 “(1) applying limited resources to the most im-
23 portant water quality problems;

24 “(2) increasing public participation in selecting
25 measures to maintain and enhance water quality;

1 “(3) coordinating the water quality programs of
2 this Act with other programs to restore and protect
3 natural resources; and

4 “(4) identifying for specific watersheds long-
5 term social, economic, and natural resource objec-
6 tives and the water quality necessary to support
7 those objectives.”.

8 (b) COMPREHENSIVE WATERSHED MANAGEMENT.—
9 Title III (33 U.S.C. 1311 et seq.) is amended by adding
10 at the end the following new section:

11 “COMPREHENSIVE WATERSHED MANAGEMENT

12 “SEC. 321. (a) DESIGNATION OF WATERSHEDS.—

13 “(1) IN GENERAL.—The Governor of a State
14 may at any time designate waters (including ground
15 waters) and associated land areas in the State as a
16 watershed management unit, including urban water-
17 sheds. To the extent practicable, the boundaries of
18 each watershed management unit shall be consistent
19 with accounting units identified by the United States
20 Geological Survey of the Department of the Interior.

21 “(2) REQUIREMENTS FOR DESIGNATION.—Each
22 designation under paragraph (1) shall—

23 “(A) identify the waters in the watershed
24 management unit that fail to meet water or
25 sediment quality standards at the time of the
26 designation;

1 “(B) identify outstanding national resource
2 waters (as described in section 303(b)(3)(B))
3 and sensitive aquatic habitat areas in the wa-
4 tershed management unit; and

5 “(C) include, to the extent practicable, the
6 land area occupied by all sources of pollution
7 that are causing, or contributing to, an impair-
8 ment identified pursuant to subparagraph (A).

9 “(3) MULTISTATE UNITS.—A watershed man-
10 agement unit established under this subsection may
11 include waters and associated land areas in more
12 than 1 State if the Governors of the affected States
13 jointly designate the watershed management unit.

14 “(b) PLANNING ACTIVITIES.—

15 “(1) PLANNING ENTITIES.—

16 “(A) IN GENERAL.—The Governor of a
17 State shall assign the responsibility to develop
18 a plan for each watershed management unit
19 designated under this section to an agency of
20 the State government, a local government agen-
21 cy, a substate or interstate regional planning
22 organization, a conservation district or other
23 natural resource management district, or any
24 other public or nonprofit entity that has the ca-
25 pacity to serve as a watershed management

1 planning entity to carry out the planning func-
2 tions set forth in the guidance issued under
3 paragraph (2).

4 “(B) PUBLIC PARTICIPATION.—Each State
5 shall establish procedures, including the estab-
6 lishment of technical and citizen’s advisory
7 committees, to encourage public participation in
8 developing comprehensive watershed manage-
9 ment plans pursuant to this section.

10 “(2) GUIDANCE.—Not later than 1 year after
11 the date of enactment of this section, the Adminis-
12 trator shall issue guidance for comprehensive water-
13 shed management and planning under this section.
14 The guidance shall specify minimum requirements
15 for watershed designation, legal authorities, financial
16 resources, public participation, and other elements
17 that are necessary for the approval of a watershed
18 management plan pursuant to subsection (c)(4).

19 “(3) APPROVAL OF MANAGEMENT UNITS AND
20 PLANNING ENTITIES.—The Governor of a State may
21 submit any designation of a watershed management
22 unit under subsection (a), and the authorities and
23 planning procedures adopted for the planning entity
24 for the unit designated under paragraph (1), to the
25 Administrator for approval. If the Administrator de-

1 termines that the designation of the watershed man-
2 agement unit and the authorities and planning pro-
3 cedures of the planning entity are consistent with
4 the guidance published under paragraph (2), the Ad-
5 ministrator shall approve the designation, authori-
6 ties, and planning procedures and the planning en-
7 tity shall be eligible for assistance under paragraph
8 (4). Not later than 60 days after the date on which
9 the Governor of a State submits the designation, au-
10 thorities, and procedures referred to in the first sen-
11 tence of this paragraph to the Administrator, the
12 Administrator shall approve or disapprove the sub-
13 mission. If the Administrator disapproves the sub-
14 mission, the Administrator shall notify the State in
15 writing of the reasons for the disapproval. The State
16 may resubmit to the Administrator amended des-
17 ignation, authorities, and planning procedures that
18 address the objections of the Administrator that
19 were the basis for the disapproval.

20 “(4) ASSISTANCE.—

21 “(A) USE OF OTHER FUNDS MADE AVAIL-
22 ABLE UNDER THIS ACT.—Planning activities
23 carried out by an entity approved pursuant to
24 paragraph (3) may be supported with funds

1 made available pursuant to section 106(h),
2 205(j), 319(e), 320, or 604(b).

3 “(B) ASSISTANCE FOR MULTISTATE PLAN-
4 NING.—The Administrator shall assist States,
5 and other agencies and organizations that have
6 an interest in comprehensive watershed plan-
7 ning for management units with land area in
8 more than 1 State, to facilitate the activities
9 necessary to designate a unit and convene a
10 planning entity prior to the time that respon-
11 sibilities are assigned to a planning entity by
12 the Governors of the States. There are author-
13 ized to be appropriated to the Administrator
14 such sums as are necessary to make grants and
15 provide technical assistance to carry out this
16 subparagraph.

17 “(5) INTERAGENCY COMMITTEE.—There is es-
18 tablished an interagency committee to support com-
19 prehensive watershed management and planning,
20 and coordinate policies and programs related to wa-
21 tershed management and planning. The President
22 shall appoint the members of the interagency com-
23 mittee. The members shall include a representative
24 from each Federal agency that carries out programs
25 and activities that have a significant impact on

1 water quality or any other natural resource value
2 that may be appropriately addressed through com-
3 prehensive watershed management.

4 “(c) COMPREHENSIVE WATERSHED MANAGEMENT
5 PLANS.—

6 “(1) IN GENERAL.—The Governor of a State
7 may submit to the Administrator for approval a
8 comprehensive watershed management plan devel-
9 oped pursuant to this section.

10 “(2) ELEMENTS OF WATERSHED MANAGEMENT
11 PLANS.—A watershed management plan developed
12 pursuant to this section should include—

13 “(A) a characterization of—

14 “(i) the waters of the watershed man-
15 agement unit;

16 “(ii) the existing, designated, and po-
17 tential uses of the waters;

18 “(iii) the living resources supported by
19 the waters; and

20 “(iv) other natural, social, and eco-
21 nomic values that may be affected by water
22 quality within the watershed;

23 “(B) an identification of problems relating
24 to water quality within the watershed (including
25 impairments or threats to the existing, des-

1 ignated, and potential uses of waters in the wa-
2 tershed, pollutants of concern, and any source
3 of pollutants that causes impairments or
4 threats), taking into account naturally occur-
5 ring background sources;

6 “(C) the selection of short-term and long-
7 term goals for watershed management (includ-
8 ing the maintenance or restoration of water
9 quality and sediment quality, and the conserva-
10 tion and protection of aquatic and wildlife habi-
11 tat and living resources supported by the waters
12 of the watershed);

13 “(D) the selection of measures and prac-
14 tices to meet the goals referred to in subpara-
15 graph (C) (including the design of remedial ac-
16 tions necessary to restore uses);

17 “(E) the identification and coordination of
18 projects and activities to restore water quality
19 and aquatic habitat within the watershed (in-
20 cluding Federal, State, local, and other finan-
21 cial resources needed to support the projects
22 and activities);

23 “(F) the identification of appropriate Fed-
24 eral, State, local, and other institutional ar-
25 rangements to carry out the plan; and

1 “(G) an implementation schedule that
2 identifies priorities for action and annual mile-
3 stones for a 5-year planning period.

4 “(3) REQUIREMENTS FOR PLAN APPROVAL.—

5 “(A) IN GENERAL.—A watershed manage-
6 ment plan developed under this section shall in-
7 clude the elements specified in subparagraphs
8 (B) through (D).

9 “(B) CONTENTS OF PLAN.—Except as pro-
10 vided in subparagraph (C), if the watershed in-
11 cludes waters that are not meeting water or
12 sediment quality standards at the time of sub-
13 mission of the plan, the plan shall—

14 “(i) identify each pollutant and source
15 causing the impairment;

16 “(ii) demonstrate that the standards
17 will be attained as expeditiously as prac-
18 ticable, but not later than 10 years after
19 the date of submission of the plan; and

20 “(iii) include periodic determinations
21 to ensure that reasonable further progress
22 within the economic capability of the
23 sources within the watershed will be made
24 toward attaining the standards.

1 “(C) POINT SOURCE CONTROLS.—If the
2 pollutant load of a water that is subject to a
3 watershed management plan under this sub-
4 section is attributable entirely or substantially
5 to point sources, the plan shall demonstrate
6 that, with respect to the water—

7 “(i) water and sediment quality stand-
8 ards will be attained not later than 5 years
9 after the date of enactment of this section;
10 and

11 “(ii) periodic determinations will be
12 made to determine that reasonable further
13 progress within the economic capability of
14 the sources within the watershed during
15 the period specified in clause (i) will be
16 made.

17 “(D) MAINTENANCE OF WATER AND SEDI-
18 MENT QUALITY STANDARDS.—With respect to
19 any water in the watershed that is the subject
20 of the watershed management plan that has at-
21 tained water and sediment quality standards at
22 the time of the submission of the plan, the plan
23 shall identify the projects and activities nec-
24 essary to maintain the water and sediment
25 quality standards.

1 “(E) CONSISTENCY.—The Governor shall
2 establish a procedure to ensure that a facility
3 located in more than one watershed in a State
4 is not subject to inconsistent requirements
5 under this section.

6 “(4) PLAN APPROVAL.—

7 “(A) IN GENERAL.—The Administrator
8 shall, after notice and opportunity for public
9 comment, approve a comprehensive watershed
10 management plan that meets the requirements
11 of this section. The approval of a comprehensive
12 watershed management plan shall constitute
13 final agency action for the purposes of section
14 509.

15 “(B) PRIOR APPROVAL NOT REQUIRED.—
16 The Governor of a State may submit a water-
17 shed management plan to the Administrator for
18 approval under this subsection without seeking
19 prior approval under subsection (b)(3) of the
20 related designation, authorities, and procedures
21 described in subsection (b)(3).

22 “(C) APPROVAL OF CERTAIN PLANS.—Any
23 watershed management plan that has been ap-
24 proved by the Administrator pursuant to sec-
25 tion 320(f), and any plan developed pursuant to

1 section 525 of the Water Quality Act of 1987
2 (33 U.S.C. 1375 note), shall be considered to
3 have been approved by the Administrator for
4 the purposes of this section.

5 “(D) DISAPPROVAL OF PLAN.—If the Ad-
6 ministrator disapproves a watershed manage-
7 ment plan submitted pursuant to this section,
8 the Administrator shall notify the Governor of
9 the State in writing of the reasons for the dis-
10 approval. The Governor of the State may resub-
11 mit to the Administrator an amended plan that
12 addresses the objections of the Administrator.

13 “(E) DELEGATION OF AUTHORITY.—

14 “(i) IN GENERAL.—The Administrator
15 may delegate to a State the authority to
16 approve watershed plans developed by local
17 governmental agencies, substate and inter-
18 state agencies, local conservation or natu-
19 ral resource districts, or other municipal or
20 nonprofit entities under this section, if—

21 “(I) the State submits a program
22 to the Administrator that is in compli-
23 ance with the guidance issued under
24 subsection (b)(2) and ensures that
25 each plan approved by the State will

1 be subject to conditions no less strin-
2 gent than those applicable to a plan
3 approved under paragraph (1);

4 “(II) the State program provides
5 adequate financial and information re-
6 sources for the planning entities, in-
7 cluding pass-through of planning
8 funds available under this Act, for the
9 development of plans and oversight of
10 plan implementation; and

11 “(III) the Administrator periodi-
12 cally reviews State decisions with re-
13 spect to specific watershed plans to
14 determine whether the plans comply
15 with the requirements of this section
16 and the guidance issued by the Ad-
17 ministrator.

18 “(ii) REVOCATION.—If at any time
19 after delegating authority to a State pur-
20 suant to clause (i), the Administrator de-
21 termines that a State is not meeting the
22 requirements of this section or the guid-
23 ance issued by the Administrator, the Ad-
24 ministrator shall withdraw approval of the
25 State program.

1 “(iii) DISAPPROVAL.—If any plan pro-
2 posed for approval by a State contains pro-
3 visions that are determined by the Admin-
4 istrator as not in compliance with this Act,
5 including the requirement that the plan
6 demonstrate progress toward and attain-
7 ment of water quality standards within the
8 period specified in subsection (c)(3)(B),
9 the Administrator shall object to State ap-
10 proval of the plan. The State shall respond
11 in writing to the objection of the Adminis-
12 trator indicating the modifications that will
13 be made in the plan to remove the objec-
14 tion. The State shall not approve a pro-
15 posed plan until the objections of the Ad-
16 ministrator have been resolved.

17 “(iv) PETITION.—If the Administrator
18 does not object to the approval of a plan,
19 any person may petition the Administrator
20 to take such action, and the Administrator
21 shall respond to the petition within 90
22 days of receipt. The State shall not ap-
23 prove the plan during the 90-day period.
24 The petition shall be based on comments

1 made by the petitioner during public re-
2 view of the plan by the State.

3 “(v) ELIGIBILITY.—For purposes of
4 section 604(a)(3), a plan ‘approved by the
5 Administrator’ includes a plan approved by
6 a State that has a program approved by
7 the Administrator under this subpara-
8 graph.

9 “(vi) EXCEPTION.—Paragraphs (3)
10 and (5) of subsection (d) shall only apply
11 to plans that have been approved by the
12 Administrator pursuant to paragraph (1).

13 “(5) PLAN TERM.—The approval by the Admin-
14 istrator of a plan shall be in effect for a period of
15 not to exceed 5 years. A revised and updated plan
16 may be submitted prior to the expiration of the 5-
17 year period if the revised plan meets the same condi-
18 tions and requirements that apply to the initial plan.

19 “(d) INCENTIVES FOR WATERSHED PLANNING.—

20 “(1) ACTIVITIES OF FEDERAL AGENCIES.—

21 “(A) IN GENERAL.—Each activity carried
22 out by a Federal agency that affects water
23 quality within a watershed management unit for
24 which a watershed management plan has been
25 approved by the Administrator under subsection

1 (c)(4) shall be carried out, to the maximum ex-
2 tent practicable, in a manner that is consistent
3 with the plan.

4 “(B) EXCEPTION.—Notwithstanding sub-
5 paragraph (A), the President may exempt an
6 activity of a Federal agency from the require-
7 ments of a watershed management plan that
8 has been approved by the Administrator under
9 subsection (c)(4) if the President determines
10 that the activity is in the paramount interest of
11 the United States and cannot be conducted in
12 a manner consistent with the plan.

13 “(2) ELIGIBILITY OF PROJECTS AND ACTIVI-
14 TIES.—The projects and activities identified in a wa-
15 tershed management plan that has been approved by
16 the Administrator under subsection (c)(4) as nec-
17 essary for the attainment and maintenance of water
18 and sediment quality standards applicable to the wa-
19 ters in the watershed management unit shall—

20 “(A) be included in any needs assessment
21 conducted pursuant to section 516; and

22 “(B) be eligible to receive funding pursu-
23 ant to section 603(c)(1)(G).

24 “(3) WATER QUALITY LIMITED PERMITS.—

1 “(A) IN GENERAL.—Notwithstanding sec-
2 tion 301(b)(1)(C), and subject to section
3 402(o), the Administrator (or a State) may
4 issue to a source a permit that includes a limi-
5 tation for a pollutant to be discharged by the
6 source to a specified portion of a navigable
7 water that does not ensure the attainment and
8 maintenance of water quality standards (alone,
9 or in combination with the limitations issued
10 for the point sources discharging to the water)
11 if—

12 “(i) the water is part of a watershed
13 management unit with respect to which the
14 Administrator has approved a plan under
15 subsection (c)(4); and

16 “(ii) the plan includes enforceable re-
17 quirements that have been imposed under
18 the laws of the State or a political subdivi-
19 sion of the State for nonpoint source pollu-
20 tion management measures that, in com-
21 bination with the limitations established
22 for point sources, provide for the attain-
23 ment and maintenance of water and sedi-
24 ment quality standards (including des-

1 ignated uses) for the waters prior to the
2 date of expiration of the plan.

3 “(B) GUIDANCE.—Not later than 1 year
4 after the date of enactment of this section, the
5 Administrator shall issue guidance to carry out
6 this paragraph. The guidance may limit the ex-
7 emption authorized under subparagraph (A) to
8 specific pollutants or sources.

9 “(4) EXTENSION OF TERM.—Notwithstanding
10 section 402(b)(1)(B), the Administrator or a State
11 is authorized to grant an extension of the term of
12 any permit in effect on the date of enactment of this
13 section issued pursuant to section 402 for a period
14 that shall terminate not later than 4 years after the
15 date of enactment of this section if—

16 “(A) the permit is issued for any source
17 that is located in an area—

18 “(i) that is designated as a watershed
19 management unit under subsection (a);
20 and

21 “(ii) with respect to which the Gov-
22 ernor of the State indicates to the Admin-
23 istrator in writing, prior to the expiration
24 date of the permit (as in effect on the date
25 of enactment of this section), an intention

1 to prepare and submit a watershed man-
2 agement plan for approval under this sec-
3 tion; and

4 “(B) the State timely completes interim
5 milestones to develop and submit a comprehen-
6 sive watershed plan for the area on a schedule
7 established by agreement with the Adminis-
8 trator.

9 “(5) NONPOINT POLLUTION MANAGEMENT
10 MEASURES.—Notwithstanding section
11 319(b)(2)(B)(ii), a watershed management plan ap-
12 proved under subsection (c)(4) may—

13 “(A) identify particular existing sources of
14 nonpoint pollution that, although located in the
15 delineated area of a water listed pursuant to
16 section 319(a), do not need to implement man-
17 agement measures or other controls under sec-
18 tion 319 to reasonably anticipate that the water
19 will attain and maintain water and sediment
20 quality standards; and

21 “(B) provide that sources described in sub-
22 paragraph (A) shall not be required to imple-
23 ment management measures or a site-specific
24 plan as provided in section 319(b)(2)(B)(ii), ex-
25 cept that all steps necessary to ensure timely

1 compliance by the sources with the requirement
2 shall be taken until the Administrator approves
3 a comprehensive watershed plan under this
4 section.

5 “(e) STATE WATER LAW.—Nothing in this section
6 is intended to amend, supersede, or abrogate any right to
7 a quantity of water that has been established by any inter-
8 state water compact, Supreme Court decree, or State
9 water law.”.

10 **TITLE IV—MUNICIPAL** 11 **POLLUTION CONTROL**

12 **SEC. 401. COMBINED SEWER OVERFLOWS.**

13 Section 402 (33 U.S.C. 1342) is amended by adding
14 at the end the following new subsection:

15 “(q) COMBINED SEWER OVERFLOWS.—

16 “(1) REQUIREMENT FOR PERMITS.—Each per-
17 mit issued pursuant to this section for a discharge
18 from a combined storm and sanitary sewer shall con-
19 form with the combined sewer overflow control policy
20 published by the Administrator at 58 Fed. Reg.
21 4994 (January 19, 1993).

22 “(2) TERM OF PERMIT.—Notwithstanding any
23 compliance schedule under section 301(b), or any
24 permit limitation under section 402(b)(1)(B), the
25 Administrator (or a State with a program approved

1 under subsection (b)) may issue a permit pursuant
2 to this section for a discharge from a combined
3 storm and sanitary sewer, that includes a schedule
4 for compliance with a long-term control plan under
5 the control policy referred to in paragraph (1), for
6 a term not to exceed 15 years. Notwithstanding the
7 compliance deadline specified in the preceding sen-
8 tence, the Administrator (or a State with a program
9 approved under subsection (b)) may, on request of
10 an owner or operator of a combined storm and sani-
11 tary sewer, extend the period of compliance beyond
12 the date specified if the Administrator (or the State)
13 determines that compliance by the date is not within
14 the economic capability of the owner or operator, or
15 if the Administrator (or the State) determines that
16 an extension is otherwise appropriate.

17 “(3) BACTERIA CRITERIA.—

18 “(A) IN GENERAL.—Before a permit is is-
19 sued for a combined storm and sanitary sewer
20 in a State with overflows from such sewers, but
21 not later than 3 years after the date of enact-
22 ment of this subsection, the State shall—

23 “(i) review numeric water quality cri-
24 teria of the water quality standards of the
25 State for pathogens or indicators of patho-

1 gens (or both), and, if necessary to ensure
2 the protection of designated and existing
3 uses of waters of the State, adopt revised
4 water quality standards that include re-
5 vised water quality criteria; and

6 “(ii) on completion of the review and
7 any necessary revision, submit the water
8 quality standards of the State referred to
9 in clause (i) to the Administrator for
10 approval.

11 “(B) FAILURE TO REVIEW.—If a State
12 fails to carry out the requirements of subpara-
13 graph (A)(i) or the Administrator disapproves
14 the revised water quality standards submitted
15 to the Administrator pursuant to subparagraph
16 (A)(ii), to ensure the protection of the des-
17 ignated and existing uses of waters of the
18 State, the most recent water quality criteria for
19 bacteria published by the Administrator pursu-
20 ant to section 304(a) shall be applied and en-
21 forced as the applicable water quality criteria
22 for the purposes of each permit issued under
23 this subsection until such time as the State
24 adopts, and the Administrator approves, revised

1 water quality standards containing revised
2 water quality criteria for bacteria.”.

3 **SEC. 402. STORMWATER MANAGEMENT.**

4 Section 402(p) (33 U.S.C. 1342(p)) is amended—

5 (1) by striking paragraph (1);

6 (2) by redesignating paragraph (2) as para-
7 graph (1);

8 (3) in paragraph (1) (as so redesignated)—

9 (A) by striking the matter preceding sub-
10 paragraph (A) and inserting the following:

11 “(1) IN GENERAL.—The requirements of para-
12 graph (4) for applications and the issuance of per-
13 mits for stormwater discharges shall apply to:”;

14 (B) in subparagraph (B), by inserting “or
15 commercial” after “industrial”;

16 (C) by striking “separate” each place it
17 appears in subparagraph (C) and (D);

18 (D) by redesignating subparagraph (E) as
19 subparagraph (F); and

20 (E) by inserting after subparagraph (D)
21 the following new subparagraph:

22 “(E) A discharge from a municipal storm
23 sewer system serving a population of fewer than
24 100,000 individuals that is located in an urban-
25 ized area (as designated by the Bureau of the

1 Census of the Department of Commerce) in
2 which a stormwater discharge covered by a per-
3 mit issued under subparagraph (C) or (D) is
4 also located.”;

5 (4) by inserting after paragraph (1) (as so re-
6 designated) the following new paragraph:

7 “(2) OTHER MUNICIPAL STORMWATER DIS-
8 CHARGES.—

9 “(A) EXEMPTION FROM PERMIT REQUIRE-
10 MENTS.—Notwithstanding section 301 or any
11 other provision of this section, a source of dis-
12 charges composed entirely of stormwater from
13 municipal storm sewer systems, other than the
14 discharges described in paragraph (1), is not
15 required to obtain a permit for the discharges
16 under this Act.

17 “(B) COMBINED STORMWATER DIS-
18 CHARGES.—A permit for a source of discharges
19 composed of combined stormwater and domestic
20 or industrial wastewater from municipal storm
21 sewer systems shall be issued pursuant to sub-
22 section (q) and not this subsection. Require-
23 ments for the control of pollutants in
24 stormwater that would apply to the discharges
25 in a permit issued under this subsection shall

1 be applicable to the stormwater discharged pur-
2 suant to a permit issued under subsection (q).”;

3 (5) in paragraph (3)—

4 (A) in subparagraph (A)—

5 (i) by inserting “AND COMMERCIAL”
6 after “INDUSTRIAL”; and

7 (ii) by inserting “and commercial”
8 after “industrial”;

9 (B) in subparagraph (B)—

10 (i) by striking “and” at the end of
11 clause (ii);

12 (ii) by striking the period at the end
13 of clause (iii) and inserting “; and”; and

14 (iii) by adding at the end the follow-
15 ing new clause:

16 “(iv) shall include monitoring and re-
17 porting requirements that, at minimum,
18 provide for—

19 “(I) representative monitoring
20 for the quality of receiving waters;
21 and

22 “(II) reporting for the implemen-
23 tation of management measures.”;
24 and

1 (C) by adding at the end the following new
2 subparagraphs:

3 “(C) MAXIMUM EXTENT PRACTICABLE.—

4 “(i) MAXIMUM EXTENT PRACTICABLE
5 DEFINED.—As used in subparagraph
6 (B)(iii) (and with respect to permits issued
7 after the date that is 2 years after the date
8 of enactment of this subparagraph), the
9 term ‘maximum extent practicable’ means
10 applying management measures, as defined
11 in section 6217(g)(5) of the Coastal Zone
12 Act Reauthorization Amendments of 1990
13 (16 U.S.C. 1455b(g)(5)), for municipal
14 stormwater discharges that, in the judg-
15 ment of the Administrator (or a State au-
16 thorized to issue a permit under this sec-
17 tion), will attain and maintain water qual-
18 ity standards.

19 “(ii) GUIDANCE.—Not later than 2
20 years after the date of enactment of this
21 subparagraph, the Administrator, after
22 consultation with persons with expertise in
23 the management of stormwater (including
24 officials of local governments and rep-

1 representatives of public interest groups),
2 shall—

3 “(I) establish requirements for
4 specific management measures for
5 municipal stormwater discharges
6 based on the guidance issued under
7 section 6217 of the Coastal Zone Act
8 Reauthorization Amendments of 1990
9 (16 U.S.C. 1445b) to define ‘maxi-
10 mum extent practicable’ for the pur-
11 poses of this section; and

12 “(II) if practicable, include in the
13 requirements minimum and objective
14 performance standards for each of the
15 management measures.

16 “(D) NUMERIC EFFLUENT LIMITATIONS.—
17 Notwithstanding section 301 and this section,
18 during the 10-year period beginning on the date
19 of enactment of this subparagraph, a permit is-
20 sued pursuant to this subsection for discharges
21 from municipal storm sewers composed entirely
22 of stormwater shall not require compliance with
23 numeric effluent limitations and water quality
24 standards shall not be applied as effluent
25 limitations.

1 “(E) MUNICIPALLY OWNED AND COMMERCIAL DISCHARGES.—The Administrator (or a
2 State with a program approved under sub-
3 section (b)) may issue a consolidated permit for
4 discharges from a storm sewer system owned by
5 a municipality and the stormwater discharges
6 from industrial or commercial sources owned by
7 the same municipality.”;

8 (6) in paragraph (4)—

9 (A) by striking “(2)” each place it appears
10 and inserting “(1)”;

11 (B) in subparagraph (B)—

12 (i) by striking “(B) OTHER MUNICIPAL DISCHARGES.—Not later than” and
13 inserting the following:
14 “(B) OTHER MUNICIPAL DISCHARGES.—

15 “(i) IN GENERAL.—Not later than”;
16 and
17 (ii) by adding at the end the following
18 new clauses:

19 “(ii) DEADLINE FOR SUBMISSION OF
20 APPLICATION.—Applications for permits
21 for discharges from municipal storm sys-
22 tems that were not required to apply for a
23 permit before the date of enactment of this

1 clause because the systems are combined
2 storm and sanitary systems shall be filed
3 not later than 4 years after the date of en-
4 actment of this clause.

5 “(iii) EFFECTIVE DATE.—The re-
6 quirement for a permit under section 301
7 and this section shall apply to discharges
8 from municipal storm systems described in
9 paragraph (1)(E) beginning on the date of
10 the first reissuance of a permit for a dis-
11 charge described in subparagraph (C) or
12 (D) of paragraph (1) that is located in the
13 same urbanized area and that occurs after
14 the date that is 3 years after the date of
15 enactment of this clause.”; and

16 (C) by adding at the end the following new
17 subparagraphs:

18 “(C) COMMERCIAL AND LIGHT INDUSTRIAL
19 DISCHARGES.—

20 “(i) IN GENERAL.—Except as pro-
21 vided in clause (ii), the Administrator
22 shall, after notice and opportunity for pub-
23 lic comment, establish permit application
24 and other requirements for stormwater dis-
25 charges from commercial and light indus-

1 trial sources and ensure that permits
2 under this section for all sources are issued
3 as expeditiously as practicable, but no later
4 than 8 years after the date of enactment
5 of this subparagraph.

6 “(ii) EXCEPTIONS.—This subpara-
7 graph shall not apply to discharges from
8 sources that—

9 “(I) were required to submit ap-
10 plications for a permit by the rule
11 published by the Administrator at 55
12 Fed. Reg. 47990 (November 16,
13 1990);

14 “(II) are in a source or a class
15 for which an exemption to the permit
16 requirements of this section and sec-
17 tion 301 is granted before the date
18 that is 8 years after the date of enact-
19 ment of this subparagraph, pursuant
20 to paragraph (5); or

21 “(III) are owned or operated by
22 a municipality and are subject to a
23 consolidated permit as authorized by
24 paragraph by (3)(E).

1 “(D) MUNICIPAL STORMWATER DIS-
2 CHARGES TO IMPAIRED WATERS.—

3 “(i) IN GENERAL.—Not later than 3
4 years after the date of enactment of this
5 subparagraph, the Administrator shall,
6 after notice and opportunity for public
7 comment, publish a list that includes each
8 municipal storm sewer system (other than
9 a system described in subparagraph (C),
10 (D), (E), or (F) of paragraph (1)), the dis-
11 charge from which is the sole or principal
12 cause for the failure of receiving waters
13 affected by the discharge to achieve a
14 designated use or other water quality
15 standard.

16 “(ii) REQUIREMENTS FOR LISTED MU-
17 NICIPAL STORM SEWER SYSTEMS.—Each
18 municipal storm sewer system listed by the
19 Administrator pursuant to clause (i) shall
20 be required to obtain a permit pursuant to
21 this section for discharges from the storm
22 system, and shall submit an application for
23 a permit not later than 3 years after the
24 date on which the list referred to in clause

1 (i) is published, unless, prior to such date,
2 the Administrator determines that—

3 “(I) management measures have
4 been implemented that will correct the
5 water quality impairments caused by
6 the discharge: or

7 “(II) the sources of pollutants in
8 the discharge that are causing the
9 water quality impairment are not sub-
10 ject to control under the legal authori-
11 ties available to the local government
12 that has jurisdiction over the area
13 served by the municipal storm sewer
14 system.

15 “(iii) STATUTORY CONSTRUCTION;
16 MONITORING DATA.—Nothing in this sub-
17 paragraph is intended to be interpreted,
18 construed, or applied to authorize the Ad-
19 ministrator to impose monitoring require-
20 ments on municipal storm sewer systems
21 to determine whether the municipal storm
22 systems should be listed pursuant to clause
23 (i). The Administrator may consider mon-
24 itoring data submitted by citizens’ mon-

1 itoring groups in preparing the list re-
2 ferred to in clause (i).

3 “(iv) REVISION OF LIST.—Not later
4 than 5 years after the date on which the
5 Administrator publishes the list referred to
6 in clause (i), and not less frequently than
7 every 5 years thereafter, the Administrator
8 shall publish a revised list.”; and

9 (7) by striking paragraphs (5) and (6) and in-
10 serting the following new paragraph:

11 “(5) COMMERCIAL AND LIGHT INDUSTRIAL DIS-
12 CHARGES.—The Administrator may exempt a class
13 or category of commercial and light industrial dis-
14 charges composed entirely of stormwater (other than
15 discharges subject to permit application require-
16 ments published at 55 Fed. Reg. 47990 (November
17 16, 1990)) from the requirement to obtain a permit
18 pursuant to section 301 and this section if the Ad-
19 ministrator determines based on available informa-
20 tion that, considering controls and management
21 measures installed at sources in the class or cat-
22 egory, stormwater discharges from sources in the
23 class or category have minimal effect on water or
24 sediment quality.”.

1 **SEC. 403. WATER CONSERVATION.**

2 Title I (33 U.S.C. 1251 et seq.) is amended by adding
3 at the end the following new section:

4 “WATER CONSERVATION

5 “SEC. 121. (a) INTERGOVERNMENTAL COORDINA-
6 TION.—

7 “(1) IN GENERAL.—The Environmental Protec-
8 tion Agency shall be the primary coordinator for all
9 policies of the Federal Government related to munic-
10 ipal, commercial, residential, and industrial water
11 conservation.

12 “(2) CONSULTATION WITH AGENCY HEADS.—
13 To carry out this section, the Administrator and the
14 Secretary of the Army, acting through the Chief of
15 Engineers of the Army Corps of Engineers, shall, to
16 the greatest extent practicable, consult with the
17 heads of other Federal agencies that participate in
18 water resource planning, development, and manage-
19 ment.

20 “(3) CONSULTATION WITH OTHER OFFI-
21 CIALS.—To carry out this section, the Administrator
22 and the Secretary of the Army, acting through the
23 Chief of Engineers of the Army Corps of Engineers,
24 shall, to the greatest extent practicable, consult with
25 appropriate officials of State and local governments,
26 educational institutions, trade associations, scientific

1 organizations, businesses, and other organizations
2 with expertise and experience with respect to water
3 conservation.

4 “(b) TECHNICAL ASSISTANCE TO STATES AND MU-
5 NICIPALITIES.—

6 “(1) IN GENERAL.—The Secretary of the Army,
7 acting through the Chief of Engineers of the Army
8 Corps of Engineers, acting alone or through a con-
9 tracting party, is authorized to provide technical as-
10 sistance to States, public and private water or
11 wastewater utilities, local governmental entities, In-
12 dian tribes, and other appropriate public agencies
13 and authorities with respect to—

14 “(A) conducting a promotional and edu-
15 cational campaign to encourage consumers to
16 use water more efficiently;

17 “(B) implementing financial or other in-
18 centives for users of water to conserve water,
19 including universal metering of water users and
20 the reform of water rates to promote conserva-
21 tion;

22 “(C) detecting and correcting leaks in
23 water distribution and collection systems;

1 “(D) promoting, distributing, and install-
2 ing water-saving technologies, fixtures, or
3 equipment for users of water;

4 “(E) incorporating water-saving tech-
5 nologies into building codes and standards;

6 “(F) establishing coordinated regional
7 management of water and sewer systems;

8 “(G) auditing water use;

9 “(H) reclaiming, recycling, and reusing
10 wastewater;

11 “(I) promoting water-efficient vegetative
12 cover and landscaping;

13 “(J) conducting integrated resource plan-
14 ning that considers water demand management
15 measures; and

16 “(K) otherwise achieving beneficial reduc-
17 tions in water use or water loss.

18 “(2) DUTIES OF THE SECRETARY OF THE
19 ARMY.—The Secretary of the Army, acting through
20 the Chief of Engineers of the Army Corps of Engi-
21 neers, shall, on a regular basis, make available infor-
22 mation to potential recipients of the assistance re-
23 ferred to in paragraph (1) concerning the programs,
24 offerings, and activities of Federal agencies with re-
25 spect to water conservation.

1 “(3) MODEL WATER CONSERVATION PRO-
2 GRAMS.—The Secretary of the Army, acting through
3 the Chief of Engineers of the Army Corps of Engi-
4 neers, shall develop, update, maintain, and dissemi-
5 nate a series of model water conservation programs
6 for States, water or wastewater utilities, and munici-
7 palities.

8 “(4) REQUESTS FOR STUDY.—

9 “(A) IN GENERAL.—Any water or
10 wastewater utility or municipality may request
11 the Secretary of the Army, acting through the
12 Chief of Engineers of the Army Corps of Engi-
13 neers, to—

14 “(i) undertake a study of the feasibil-
15 ity, impacts, costs, and benefits of then
16 current and potential water conservation
17 activities; and

18 “(ii) recommend actions for beneficial
19 reductions in water use or loss.

20 “(B) PRIORITIES.—The Secretary of the
21 Army, acting through the Chief of Engineers of
22 the Army Corps of Engineers, shall give priority
23 to the water conservation studies referred to in
24 subparagraph (A) on the basis of the potential
25 for—

1 “(i) protection of the environment;
2 and

3 “(ii) reducing costs to Federal, State,
4 and local governments for water supply
5 and wastewater treatment facilities.

6 “(C) AMOUNT OF ASSISTANCE.—The
7 amount of Federal funds provided under this
8 subsection for a water conservation study of
9 any water or wastewater utility or municipality
10 serving more than 5,000 individuals shall be
11 not more than 50 percent of the cost of the
12 study. The Secretary of the Army, acting
13 through the Chief of Engineers of the Army
14 Corps of Engineers, may waive the 50 percent
15 matching requirement for a water utility or mu-
16 nicipality that serves a population of fewer than
17 5,000 individuals.

18 “(5) REVIEWS.—The Secretary of the Army,
19 acting through the Chief of Engineers of the Army
20 Corps of Engineers, shall collect information con-
21 cerning water conservation projects, including
22 projects assisted under paragraph (4), and make the
23 information widely available to the public in a timely
24 manner. The reviews shall evaluate the effectiveness
25 of various water conservation measures and provide

1 information to assist the Secretary in providing tech-
2 nical assistance.

3 “(c) TECHNICAL ASSISTANCE TO BUSINESSES AND
4 INSTITUTIONS.—The Secretary of the Army, acting
5 through the Chief of Engineers of the Army Corps of En-
6 gineers, may provide assistance that is comparable to the
7 assistance to businesses and other persons provided under
8 subsection (b). The Federal cost of the assistance shall
9 be fully reimbursed by the recipient of the assistance.

10 “(d) NATIONAL CLEARINGHOUSE ON WATER CON-
11 SERVATION.—

12 “(1) IN GENERAL.—The Secretary of the Army,
13 acting through the Chief of Engineers of the Army
14 Corps of Engineers, shall establish a national clear-
15 inghouse on water conservation (referred to in this
16 subsection as the ‘clearinghouse’) to collect, analyze,
17 and disseminate information on water conservation
18 technologies and practices (including information ob-
19 tained under subsections (b) and (c)) and promote
20 the widespread adoption of the technologies and
21 practices by public and private water or wastewater
22 utilities, and commercial, industrial, and residential
23 consumers.

24 “(2) DISSEMINATION OF INFORMATION.—The
25 Secretary of the Army, acting through the Chief of

1 Engineers of the Army Corps of Engineers, shall
 2 provide water conservation information developed
 3 pursuant to this section to Federal agencies, States,
 4 local governments, other appropriate public agencies
 5 and authorities, nonprofit institutions and organiza-
 6 tions, businesses and industries, researchers, private
 7 individuals, and other persons and entities in a posi-
 8 tion to derive or increase the public benefits offered
 9 by the technologies, methods, and practices related
 10 to water conservation described in this subsection.

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated to the Secretary of the
 13 Army to carry out this section an amount not to exceed
 14 \$10,000,000 for each of fiscal years 1995 through 2000.”.

15 **TITLE V—PERMIT PROGRAM** 16 **AND ENFORCEMENT**

17 **SEC. 501. PERMIT FEES.**

18 (a) IN GENERAL.—Section 402 (33 U.S.C. 1342), as
 19 amended by section 401, is further amended by adding
 20 at the end the following new subsection:

21 “(r) PERMIT FEES.—

22 “(1) IN GENERAL.—

23 “(A) MODIFICATION.—

24 “(i) IN GENERAL.—Not later than 2
 25 years after the date of enactment of this

1 subsection, or the applicable date specified
2 in clause (ii), the Governor of each State
3 that administers a permit program under
4 subsection (b) shall submit to the Adminis-
5 trator, for approval, a modification of the
6 permit program of the State that includes
7 a requirement under State law that—

8 “(I) the owner or operator of cer-
9 tain point sources subject to the re-
10 quirement to obtain a permit under
11 this section or a permit for the use or
12 disposal of sewage sludge under sec-
13 tion 405; and

14 “(II) an industrial user of any
15 publicly owned treatment works sub-
16 ject to a State permit or equivalent
17 individual control mechanism issued
18 pursuant to subsection (b)(9),
19 pay an annual fee (or the equivalent, over
20 another specified period of time). The
21 State may exempt certain categories of
22 permittees and industrial users of publicly
23 owned treatment works on the basis of fac-
24 tors including the flow of discharge and
25 small business status.

1 “(ii) EXTENSION.—If a State has a
2 legislature that is not scheduled to meet in
3 a legislative session in which legislation to
4 carry out this subparagraph may be en-
5 acted by the date specified in clause (i),
6 the State shall carry out the requirements
7 of clause (i) not later than 1 year after the
8 date of adjournment of the first regular
9 legislative session of a State in which legis-
10 lation to carry out this subsection may be
11 considered.

12 “(B) ACCUMULATED AMOUNT OF FEES.—
13 The total amount collected as fees for any year
14 in a State shall be a sufficient amount to cover
15 not less than 60 percent of the costs of ade-
16 quately developing and administering point
17 source elements of the water quality program,
18 and the costs of adequately developing and ad-
19 ministering sewage sludge use and disposal and
20 pretreatment programs, of the State, including
21 the costs of—

22 “(i) reviewing and acting on applica-
23 tions for permits;

24 “(ii) implementing and enforcing the
25 terms and conditions of permits or equiva-

1 lent individual control mechanisms (exclud-
2 ing any court costs);

3 “(iii) monitoring effluent and ambient
4 water quality;

5 “(iv) preparing generally applicable
6 regulations or guidance, including water
7 quality standards;

8 “(v) modeling, planning, analyses, and
9 demonstrations;

10 “(vi) preparing and maintaining pub-
11 lic information systems concerning effluent
12 limitations, discharges, compliance, and
13 water quality; and

14 “(vii) evaluating the performance of
15 laboratories that analyze monitoring sam-
16 ples (including laboratory inspections, lab-
17 oratory audits, and quality assurance).

18 “(C) FEE AMOUNT.—

19 “(i) AMOUNT OF FEE.—The Adminis-
20 trator may not approve a program modi-
21 fication as meeting the requirements of
22 this subsection unless the State dem-
23 onstrates that the program will result in
24 the collection, from all point sources sub-

1 ject to subparagraph (A), of an annual
2 amount that is not less than the sum of—

3 “(I) \$5,750 multiplied by the
4 number of individual permits issued
5 by the State for point sources;

6 “(II) \$5,750 multiplied by the
7 number of industrial users of publicly
8 owned treatment works receiving a
9 permit or equivalent individual control
10 mechanism;

11 “(III) \$70 multiplied by the
12 number of permittees discharging
13 from point sources under a general
14 permit other than a stormwater gen-
15 eral permit;

16 “(IV) \$50 multiplied by the num-
17 ber of permittees discharging from
18 point sources regulated under a
19 stormwater general permit; and

20 “(V) \$3,000 multiplied by the
21 number of permittees required to ob-
22 tain an individual permit for the use
23 or disposal of sewage sludge under
24 section 405;

1 except that no person shall be required to
2 pay fees under this subsection for the point
3 source discharges located at a single facil-
4 ity in excess of \$125,000 per year.

5 “(ii) EQUIVALENT FEE SYSTEMS.—
6 The requirement of clause (i) to collect the
7 amount specified under such clause shall
8 not apply if the State demonstrates that
9 collecting an amount that is less than the
10 amount specified under such clause will
11 satisfy the requirements of subparagraph
12 (B).

13 “(iii) APPROPRIATIONS IN LIEU OF
14 FEES.—The requirements of clause (i) and
15 subparagraph (B) shall be modified by the
16 Administrator with respect to any State to
17 the extent that the State appropriates
18 State funds, in excess of amounts nec-
19 essary to match any grant made by the
20 Administrator to the State under section
21 106, to operate the point source elements
22 of the water quality program of the State.

23 “(2) USE OF FEES.—

24 “(A) IN GENERAL.—Each fee required to
25 be collected by a State under this subsection

1 shall be used only to support the water quality
2 programs of the State.

3 “(B) RESTRICTION ON USE.—Except as
4 provided in subparagraph (C), the fees collected
5 pursuant to this subsection may not be used to
6 provide State matching funds for Federal funds
7 made available to the State pursuant to section
8 106.

9 “(C) USE FOR MATCHING FUNDS.—A
10 State may use any amount collected by the
11 State as fees pursuant to this subsection to pro-
12 vide matching funds for Federal funds made
13 available to the State pursuant to section 106.

14 “(3) REVIEW BY ADMINISTRATOR.—The Ad-
15 ministrator may, at any time after approving the
16 modifications of the permit program of a State
17 under paragraph (1), review the fees assessed by the
18 State pursuant to the modifications. The Adminis-
19 trator shall review the fees assessed by the State not
20 later than 5 years after the date of approval of the
21 modifications, and not less frequently than every 5
22 years thereafter, and notify the State of the results
23 of the review. The results of the review shall not be
24 subject to judicial review.

25 “(4) FEDERAL FEE PROGRAM.—

1 “(A) FEDERAL PROGRAM OF FEE ASSESS-
2 MENT.—

3 “(i) IN GENERAL.—Not later than 3
4 years after the date of enactment of this
5 subsection, the Administrator shall estab-
6 lish a Federal program applicable to each
7 State with respect to which subparagraph
8 (C) applies for the collection of fees in a
9 sufficient amount to recover 100 percent of
10 the Federal costs of functions related to
11 adequately administering and enforcing the
12 permit, pretreatment, and sewage sludge
13 use and disposal programs carried out
14 under this Act in the State (as described
15 in clause (ii)).

16 “(ii) FUNCTIONS FOR CARRYING OUT
17 PROGRAM.—The Administrator shall, by
18 regulation, define all functions of the Ad-
19 ministrator related to adequately admin-
20 istering and enforcing the permit,
21 pretreatment, and sewage sludge use and
22 disposal programs carried out under this
23 Act, including specific monitoring of per-
24 mits, site inspections, the process of issu-
25 ance of permits, and obtaining and apply-

1 ing technical and scientific data and infor-
2 mation for the purposes of collecting fees
3 under this section. The functions of the
4 Administrator for purposes of collecting
5 fees under this section may not include the
6 cost of ambient monitoring, writing criteria
7 documents, or other activities (including
8 public relations and outreach) of general
9 applicability beyond the programs referred
10 to in this paragraph.

11 “(iii) EXEMPTIONS.—The Adminis-
12 trator may determine by regulation to ex-
13 empt certain categories of permittees and
14 industrial users of publicly owned treat-
15 ment works on the basis of factors includ-
16 ing the flow of discharge and small busi-
17 ness status. The Administrator may deter-
18 mine the fee schedule referred to in clause
19 (i) on the basis of factors including efflu-
20 ent discharge flow or volume, the type of
21 facility, and any other factor that the Ad-
22 ministrator considers appropriate to reflect
23 the relative complexity of regulating the
24 point source or industrial user of a publicly
25 owned treatment works.

1 “(B) FEDERAL FEE SCHEDULE.—The
2 Federal fee regulations established by the Ad-
3 ministrators pursuant to this paragraph shall re-
4 sult in the collection, from all sources subject to
5 subparagraph (A), of an annual amount that is
6 not less than the sum of—

7 “(i) \$7,900 multiplied by the number
8 of individual permits issued by the Admin-
9 istrator for point sources;

10 “(ii) \$7,800 multiplied by the number
11 of industrial users of publicly owned treat-
12 ment works receiving a permit or equiva-
13 lent individual control mechanism;

14 “(iii) \$110 multiplied by the number
15 of permittees discharging from point
16 sources under a general permit other than
17 a general stormwater permit;

18 “(iv) \$90 multiplied by the number of
19 permittees regulated under a general
20 stormwater permit; and

21 “(v) \$5,000 multiplied by the number
22 of point sources required to obtain an indi-
23 vidual permit for the use or disposal of
24 sewage sludge under section 405;

1 except that no person shall be required to pay
2 fees under this subsection for the point source
3 discharges located at a single facility in excess
4 of \$125,000 per year.

5 “(C) CONDITIONS THAT REQUIRE IMPLE-
6 MENTATION OF FEDERAL PROGRAM.—If the
7 Administrator—

8 “(i) determines that a State has failed
9 to submit a modified permit program as
10 required by paragraph (1);

11 “(ii) on review of the permit modifica-
12 tions submitted by a State pursuant to
13 paragraph (1), or on conducting a subse-
14 quent review pursuant to paragraph (3),
15 determines that—

16 “(I) the fee provisions under the
17 modified permit program submitted
18 by a State to the Administrator for
19 approval pursuant to paragraph (1)
20 do not meet the requirements of this
21 subsection;

22 “(II) a State is not adequately
23 administering or enforcing a fee sys-
24 tem referred to in paragraph (1) that

1 has been approved by the Adminis-
2 trator;

3 “(III) a State does not have the
4 authority to administer a permit pro-
5 gram, including a pretreatment pro-
6 gram, under subsection (b); or

7 “(IV) a State has failed to com-
8 ply with paragraph (2)(A); or

9 “(iii) issues a permit with respect to
10 the authorized State pursuant to sub-
11 section (b)(4) or (d)(5),

12 the Administrator shall, not later than 3 years
13 after the date of enactment of this subsection,
14 or with respect to a finding described in clause
15 (ii)(II), not later than 180 days after making
16 the finding, assess and collect fees pursuant to
17 the program referred to in subparagraph (A).

18 “(D) SUBSEQUENT ESTABLISHMENT OF
19 STATE PROGRAM.—At any time after the Ad-
20 ministrator implements a program to assess
21 fees pursuant to subparagraph (A), if the Ad-
22 ministrator determines that a State program to
23 assess fees meets the requirements of this sub-
24 section and the State has adequate authority to
25 assess the fees, the Administrator may approve

1 the State program and terminate the applica-
2 tion of the Federal program to the State.

3 “(E) MODIFICATION OF FEE AMOUNTS.—

4 The Administrator shall modify the average fee
5 and maximum fee amounts of paragraph (1)(C)
6 and subparagraph (B) not less frequently than
7 every 5 years to reflect changes in the
8 Consumer Price Index that have occurred
9 since the date the fee was established or last
10 modified.

11 “(F) ADDITIONAL ASSISTANCE.—Notwith-
12 standing any other provision of law, for each
13 fiscal year during which a State carries out the
14 functions of the Administrator referred to in
15 subparagraph (A)(ii), the Administrator shall
16 increase the amount otherwise made available
17 to that State under section 106(c) by that por-
18 tion of the total amount of funds collected in
19 that State and added to the Federal Water Pol-
20 lution Control Permit Fund established under
21 subparagraph (G) that is attributable to the ac-
22 tions of the State in carrying out the functions
23 of the Administrator under subparagraph
24 (A)(ii).

1 “(G) FEDERAL WATER POLLUTION CON-
2 TROL PERMIT FUND.—

3 “(i) ESTABLISHMENT.—There is es-
4 tablished in the United States Treasury a
5 Federal Water Pollution Control Permit
6 Fund (referred to in this subparagraph as
7 the ‘Fund’).

8 “(ii) SOURCE AND USE.—All fees col-
9 lected by the Administrator (plus any pay-
10 ment collected by the Administrator pursu-
11 ant to section 309(g)(12)) shall be depos-
12 ited in the Fund, and shall be available,
13 without fiscal limitation, to carry out the
14 activities for which the fees are collected
15 (as described in paragraph (1)(B)).

16 “(iii) PAYMENTS FROM FUND.—The
17 Secretary of the Treasury is authorized
18 and directed to pay out of any funds avail-
19 able in the Fund any expenses incurred by
20 the Federal Government in carrying out
21 the activities specified in clause (ii). None
22 of the funds deposited into the Fund shall
23 be available for any purpose other than
24 making payments authorized under the
25 preceding sentence. The funds shall be

1 available for authorized purposes until
2 expended.

3 “(iv) ACCOUNTING OF DISBURSE-
4 MENT.—The Administrator, in consulta-
5 tion with the Secretary of the Treasury,
6 shall, not later than one quarter after the
7 first full fiscal year after the date on which
8 the Administrator initially collects fees
9 pursuant to this paragraph, and annually
10 thereafter, prepare and submit to each
11 State in which the Administrator admin-
12 isters the permit program a fiscal report of
13 the disbursements from the Fund. In car-
14 rying out this requirement, the Adminis-
15 trator shall ensure that accounting shall be
16 conducted in accordance with the account-
17 ing procedures of the General Accounting
18 Office, including the procedures under
19 chapter 75 of title 31, United States Code,
20 with respect to financial assistance pro-
21 vided by the Administrator to the States.
22 Each report prepared by the Administrator
23 and submitted to a State under this clause
24 shall include information concerning the
25 total amount collected in the State as fees

1 under this paragraph and a categorical
2 breakdown of the amount of fees collected
3 under this paragraph by the type of facil-
4 ity, or any other factors used to determine
5 the fee schedule.

6 “(v) ADJUSTMENT OF FEE SCHED-
7 ULE.—In the event that the Administrator
8 finds from the report required by clause
9 (iv) that the amount of fees collected in a
10 State is significantly different from the
11 disbursements in that State, the Adminis-
12 trator may through regulation revise the
13 fees collected under subparagraph (B) to
14 reduce the difference.”.

15 (b) PENALTIES.—Section 309(g) (33 U.S.C.
16 1319(g)) is amended by adding at the end the following
17 new paragraph:

18 “(13) OTHER PENALTIES.—Any permittee or
19 industrial user discharging into a publicly owned
20 treatment works that fails to pay a fee lawfully im-
21 posed by the Administrator under section 402(r)
22 shall be liable to the United States for payment of
23 an amount equal to the sum of—

24 “(A) the amount of the fee;

1 “(B) a penalty in an amount equal to 50
2 percent of the amount of the fee; and

3 “(C) interest on the amount of the fee
4 computed in accordance with section 6621(a)(2)
5 of the Internal Revenue Code of 1986.”.

6 **SEC. 502. PERMIT PROGRAM MODIFICATIONS.**

7 (a) PERMIT MANAGEMENT.—

8 (1) IN GENERAL.—Section 402(b) (33 U.S.C.
9 1342(b)) is amended by adding at the end the fol-
10 lowing new paragraphs:

11 “(10) To ensure that, beginning on the date that is
12 1 year after the date of enactment of this paragraph, in
13 the case of a new discharge into navigable waters resulting
14 from the construction of a new facility, the applicant ap-
15 plies for a permit under this section prior to the com-
16 mencement of construction of the facility.

17 “(11) To ensure that each person issued a permit
18 under this section who has received assistance under sec-
19 tion 201(g)(1) or section 603(c)(1) is in compliance with
20 the requirements of section 204(b).”.

21 (2) SYSTEM OF CHARGES.—The first sentence
22 of section 204(b)(1) (33 U.S.C. 1284(b)(1)) is
23 amended by striking “the Administrator shall not
24 approve any grant for any treatment works under
25 section 201(g)(1) after March 1, 1973, unless he

1 shall first have determined that the applicant (A)
2 has adopted or will adopt” and inserting “the Ad-
3 ministrator may not approve a grant for, or loan to,
4 any recipient of assistance under section 201(g)(1)
5 or 603(c)(1)(A) unless the applicant (A) has adopted
6 or will adopt”.

7 (b) PERMIT REVISION AND RENEWAL.—Section
8 402(b)(1)(C) (33 U.S.C. 1342(b)(1)(C)) is amended—

9 (1) in clause (iii), by adding “and” at the end;
10 and

11 (2) by adding at the end the following new
12 clause:

13 “(iv) the promulgation, after the date of is-
14 suance of the permit, of any new or revised ef-
15 fluent guideline pursuant to section 304, 306,
16 or 307, or a water or sediment quality standard
17 pursuant to section 303, or any applicable regu-
18 lation;”.

19 (c) FEDERAL PROGRAM OVERSIGHT.—Section
20 402(d) (33 U.S.C. 1342(d)) is amended—

21 (1) in paragraph (4)—

22 (A) by striking “on request of the State,”
23 and all that follows through “If” and inserting
24 “and if”;

1 (B) by striking “within 30 days” and all
2 that follows through “of such objection” and in-
3 serting “within 180 days after such objection”;
4 and

5 (C) by adding at the end the following new
6 sentence: “In any case in which the Adminis-
7 trator exercises waiver authority, the Adminis-
8 trator shall make reasonable efforts to periodi-
9 cally review the waiver.”; and

10 (2) by adding at the end the following new
11 paragraphs:

12 “(5) PERMIT REISSUANCE.—In any case in
13 which the appropriate official of a State permit pro-
14 gram approved by the Administrator pursuant to
15 subsection (b) fails, during the 180-day period be-
16 ginning on the date of expiration of a permit for a
17 discharge, to reissue a permit for the discharge, the
18 Administrator may issue a permit for the discharge.

19 “(6) REVIEW AND REVISION.—The Adminis-
20 trator may, by regulation, require that each permit
21 issued be reviewed and revised to include an effluent
22 limitation based on a new or revised effluent guide-
23 line or standard, or any other applicable regula-
24 tion.”.

25 (d) JUDICIAL REVIEW.—

1 (1) IN GENERAL.—Section 402(b)(3) (33
2 U.S.C. 1342(b)(3)) is amended by striking the semi-
3 colon at the end and inserting “and an opportunity
4 for judicial review of a final permit action under this
5 section in a State court by the applicant, any person
6 who participated in the public comment process, and
7 any other person who could obtain judicial review of
8 the action under any applicable State law;”.

9 (2) SANCTION.—Section 402(d), as amended by
10 subsection (c)(2), is further amended by adding at
11 the end the following new paragraph:

12 “(7) FAILURE TO MODIFY STATE PROGRAM.—
13 If a State with a program approved under sub-
14 section (b) fails to modify a State program pursuant
15 to the requirements of subsection (b)(3) by the date
16 that is 3 years after the date of enactment of this
17 paragraph, the Administrator shall withhold an
18 amount equal to 10 percent of the amount that
19 would otherwise be allotted to the State under sec-
20 tion 106 for the fiscal year that begins after the de-
21 cision of the Administrator to withhold the
22 amount.”.

23 (e) PERMIT APPLICATION REQUIREMENTS.—Section
24 402(a) (33 U.S.C. 1342(a)) is amended by adding at the
25 end the following new paragraph:

1 “(6) UPDATED REQUIREMENTS FOR MUNICIPAL
2 AND INDUSTRIAL DISCHARGERS.—Not later than 2
3 years after the date of enactment of this paragraph,
4 the Administrator shall promulgate regulations to
5 update the application requirements for a permit
6 under this section for municipal and industrial dis-
7 chargers to require the applicant to more fully char-
8 acterize the nature of the effluent and the contribu-
9 tions of the effluent to receiving waters.”.

10 (f) WATERBODY AND EFFLUENT ASSESSMENT.—

11 (1) BIOLOGICAL MONITORING METHODS.—Sec-
12 tion 304(a)(8) (33 U.S.C. 1314(a)(8)) is amended
13 by adding at the end the following new sentence:
14 “Not later than 3 years after the date of enactment
15 of the Water Pollution Prevention and Control Act
16 of 1994, the Administrator shall publish regulations
17 that establish biological monitoring methods, prac-
18 tices, and protocols, including measurements suitable
19 for establishing the biological condition of
20 waterbodies.”.

21 (2) WHOLE EFFLUENT TOXICITY.—Section
22 402(a)(2) (33 U.S.C. 1342(a)(2)) is amended—

23 (A) by striking “(2) The” and inserting
24 the following:

25 “(2) CONDITIONS FOR PERMITS.—

1 “(A) IN GENERAL.—The”; and

2 (B) by adding at the end the following new
3 subparagraph:

4 “(B) WHOLE EFFLUENT TOXICITY.—Not
5 later than 2 years after the date of enactment
6 of this subparagraph, the Administrator shall
7 publish regulations that provide for—

8 “(i) the establishment of a standard
9 quantitative basis for determining acute
10 and chronic whole effluent toxicity; and

11 “(ii) the inclusion of numerical efflu-
12 ent limitations for whole effluent toxicity in
13 a permit for any discharge that the permit-
14 ting authority determines is likely to ex-
15 hibit toxicity.”.

16 (g) TECHNICAL AMENDMENTS.—Section 402 (33
17 U.S.C. 1342) is amended—

18 (1) in subsections (a)(5) and (c)(2), by striking
19 “304(h)(2)” each place it appears and inserting
20 “304(i)(2)”; and

21 (2) in subsections (b) and (e), by striking
22 “(h)(2)” each place it appears and inserting
23 “(i)(2)”.

24 **SEC. 503. ENFORCEMENT.**

25 (a) CITIZEN ENFORCEMENT.—

1 (1) PAST VIOLATIONS.—Section 505 (33 U.S.C.
2 1365) is amended—

3 (A) in subsection (a)(1), by inserting “to
4 have violated or” before “to be in violation”;

5 (B) in subsection (f)(6), by inserting “, or
6 has been in effect,” after “in effect”; and

7 (C) in subsection (g), by striking “is” and
8 inserting “has been, is,”.

9 (2) VIOLATIONS NOT INCLUDED IN NOTICE.—
10 Section 505 (33 U.S.C. 1365) is amended by strik-
11 ing subsection (b) and inserting the following new
12 subsection:

13 “(b) NOTICE REQUIREMENT.—

14 “(1) IN GENERAL.—No action may be com-
15 menced—

16 “(A) under subsection (a)(1)—

17 “(i) prior to the date that is 60 days
18 after the plaintiff has given notice of the
19 alleged violation to—

20 “(I) the Administrator;

21 “(II) the State in which the al-
22 leged violation occurs, or has oc-
23 curred; and

24 “(III) any alleged violator of the
25 standard, limitation, or order; or

1 “(ii) if the Administrator or State has
2 commenced and is diligently prosecuting a
3 civil or criminal action in a court of the
4 United States, or a State, to require com-
5 pliance with the standard, limitation, or
6 order, except that in any such action in a
7 court of the United States any citizen may
8 intervene as a matter of right; or

9 “(B) under subsection (a)(2) prior to the
10 date that is 60 days after the plaintiff has given
11 notice of the action to the Administrator,
12 except that an action under paragraph (1) or (2) of
13 subsection (a) may be brought immediately after the
14 notification in the case of an action with respect to
15 a violation of section 306 or 307(a). The notice re-
16 quired by this subsection shall be given in such man-
17 ner as the Administrator shall prescribe by regula-
18 tion.

19 “(2) ADDITIONAL NOTICE.—If notice of an al-
20 leged violation has been given pursuant to paragraph
21 (1)(A), an additional notice shall not be required for
22 another violation, at the same facility, that was not
23 specifically identified by the alleged violator in the
24 publicly available discharge monitoring reports of the
25 alleged violator or that is reported after the plaintiff

1 has given notice of an alleged violation pursuant to
2 paragraph (1)(A).”.

3 (3) STATUTE OF LIMITATIONS.—Section 505
4 (33 U.S.C. 1365) is amended by adding at the end
5 the following new subsection:

6 “(i) STATUTE OF LIMITATIONS.—The requirements
7 of section 2462 of title 28, United States Code, shall apply
8 with respect to the commencement of a civil action under
9 this section.”.

10 (4) TREATMENT AS POINT SOURCE.—Section
11 505 (33 U.S.C. 1365) is amended by adding the fol-
12 lowing new subsection:

13 “(j) TREATMENT AS POINT SOURCE.—For the pur-
14 poses of this section, an agricultural activity shall not be
15 considered a point source unless the Administrator has
16 required a permit under section 301 or 402 for the
17 activity.”.

18 (b) PENALTIES AND COMPENSATION.—

19 (1) BENEFICIAL USE.—

20 (A) CIVIL PENALTIES.—Section 309(d)
21 (33 U.S.C. 1319(d)) is amended—

22 (i) by striking “(d) Any person” and
23 inserting the following:

24 “(d) CIVIL PENALTIES.—

25 “(1) IN GENERAL.—Any person”; and

1 (ii) by adding at the end the following
2 new paragraph:

3 “(2) BENEFICIAL USE.—Notwithstanding any
4 other provision of law (including subchapter III of
5 chapter 7 of title 31, United States Code, and chap-
6 ter 128 of title 28, United States Code), a district
7 court may order that all or a portion of a civil pen-
8 alty referred to in paragraph (1) be used for a bene-
9 ficial project to enhance public health or the environ-
10 ment by restoring or otherwise improving, in a man-
11 ner consistent with this Act, the water quality, wild-
12 life, or habitat of the specific waters of the State in
13 which the violation occurred. The court shall estab-
14 lish an independent trustee (including a State or
15 local government water pollution control agency) to
16 monitor implementation of a beneficial project who
17 shall report annually to the court on disbursements
18 of the funds awarded until the project is complete
19 and may recommend termination of the project if
20 any condition of the award is violated. The trustee
21 shall consult with the State in which the project is
22 located to ensure that the project is conducted in a
23 manner consistent with all requirements of State law
24 and any plans developed by the State and in force
25 under section 208, 303(e), 319, 320, or 321.”.

1 (B) CITIZEN SUITS.—Section 505(a) (33
2 U.S.C. 1365(a)) is amended by adding at the
3 end the following new sentence: “Notwithstand-
4 ing any other provision of law (including sub-
5 chapter III of chapter 7 of title 31, United
6 States Code, and chapter 128 of title 28, Unit-
7 ed States Code), a district court may order
8 that, in any action under this subsection to
9 apply a civil penalty, all or a portion of the civil
10 penalty be used for a beneficial project to en-
11 hance public health or the environment by re-
12 storing or otherwise improving, in a manner
13 consistent with this Act, the water quality, wild-
14 life, or habitat of the specific waters of the
15 State in which the violation occurred. The court
16 shall establish an independent trustee (includ-
17 ing a State or local government water pollution
18 control agency but not including any party to
19 the action or any party affiliated with a party
20 to the action) to monitor implementation of a
21 beneficial project who shall report annually to
22 the court on disbursements of the funds award-
23 ed until the project is complete and may rec-
24 ommend termination of the project if any condi-
25 tion of the award is violated. The trustee shall

1 consult with the State in which the project is
2 located to ensure that the project is conducted
3 in a manner consistent with all requirements of
4 State law and any plans developed by the State
5 and in force under section 208, 303(e), 319,
6 320, or 321, and to ensure that no party who
7 commenced an action under this section or any
8 affiliate of any such party receives money or
9 any direct benefits from the project.”.

10 (C) CRIMINAL FINES.—Section 309(c) (33
11 U.S.C. 1319(c)) is amended by adding at the
12 end the following new paragraph:

13 “(8) BENEFICIAL USE.—Notwithstanding any
14 other provision of law (including subchapter III of
15 chapter 7 of title 31, United States Code, and chap-
16 ter 128 of title 28, United States Code) a court that
17 imposes a fine pursuant to this subsection may order
18 that all or a portion of the fine be used for a bene-
19 ficial project to enhance public health or the environ-
20 ment by restoring or otherwise improving, in a man-
21 ner consistent with this Act, the water quality, wild-
22 life, or the habitat of the specific waters of the State
23 in which the violation occurred. The court shall es-
24 tablish an independent trustee (including a State or
25 local government water pollution control agency) to

1 monitor implementation of a beneficial project who
2 shall report annually to the court on disbursements
3 of the funds awarded until the project is complete
4 and may recommend termination of the project if
5 any condition of the award is violated. The trustee
6 shall consult with the State in which the project is
7 located to ensure that the project is conducted in a
8 manner consistent with all requirements of State law
9 and any plans developed by the State and in force
10 under section 208, 303(e), 319, 320, or 321.”.

11 (2) CLARIFICATION OF APPROPRIATE INJUNC-
12 TIVE RELIEF.—

13 (A) ACTIONS BY THE ADMINISTRATOR.—

14 Section 309(b) (33 U.S.C. 1319(b)) is amended
15 by inserting after the first sentence the follow-
16 ing new sentence: “For purposes of this sub-
17 section, appropriate injunctive relief may in-
18 clude a requirement that a violator remove fill
19 materials, contaminated sediments, and illegally
20 discharged pollutants, added to waterways by
21 the violator, from waterways and banks of wa-
22 terways, install temporary treatment facilities,
23 conduct environmental audits, refrain from
24 making additional sewer connections, or tempo-
25 rarily or permanently cease operations.”.

1 (B) CITIZEN SUITS.—Section 505(a)(33
2 U.S.C. 1365(a)) is amended by adding at the
3 end the following new sentence: “Injunctive re-
4 lief enforcing an effluent limitation or standard
5 under the subsection may include a requirement
6 that a violator remove fill materials, contami-
7 nated sediments, and illegally discharged pollut-
8 ants, added to waterways by the violator, from
9 waterways and banks of waterways, install tem-
10 porary treatment facilities, conduct environ-
11 mental audits, refrain from making additional
12 sewer connections, or temporarily or perma-
13 nently cease operations.”.

14 (3) PRETREATMENT REQUIREMENTS.—

15 (A) IN GENERAL.—Section 505(f)(4) (33
16 U.S.C. 1365(f)(4)) is amended by inserting “,
17 pretreatment requirement,” after “effluent
18 standard”.

19 (B) STATE ENFORCEMENT.—Section
20 309(a)(1) (33 U.S.C. 1319(a)(1)) is amended
21 by inserting “any requirement imposed under a
22 pretreatment program approved under sub-
23 section (a)(3) or (b)(8) of section 402, or any
24 requirement imposed under section 402(b)(9),”
25 after “under section 402 or 404 of this Act,”.

1 (C) ENFORCEMENT BY THE ADMINIS-
2 TRATOR.—Section 309(a)(3) (33 U.S.C.
3 1319(a)(3)) is amended by inserting “or any re-
4 quirement imposed under a pretreatment pro-
5 gram approved under subsection (a)(3) or
6 (b)(8) of section 402 or any requirement im-
7 posed under section 402(b)(9),” after “section
8 404 of this Act by a State,”.

9 (D) KNOWING ENDANGERMENT.—Section
10 309(c)(3)(A) (33 U.S.C. 1319(c)(3)(A)) is
11 amended by inserting “, or any requirement im-
12 posed under a pretreatment program approved
13 under subsection (a)(3) or (b)(8) of section
14 402, or any requirement imposed under section
15 402(b)(9),” after “by the Administrator or by
16 a State,”.

17 (E) ADMINISTRATIVE PENALTIES.—Sec-
18 tion 309(g)(1)(A) (33 U.S.C. 1319(g)(1)(A)) is
19 amended by inserting “or any requirement im-
20 posed under a pretreatment program approved
21 under subsection (a)(3) or (b)(8) of section 402
22 or any requirement imposed under section
23 402(b)(9),” after “section 404 by a State,”.

24 (F) NOTICE TO PUBLICLY OWNED TREAT-
25 MENT WORKS.—The first sentence of section

1 309(a)(4) (33 U.S.C. 1319(a)(4)) is amended
2 by striking “and other affected States” and in-
3 serting “, other affected States, and any pub-
4 licly owned treatment works receiving
5 wastewater from the violator”.

6 (G) ENFORCEABILITY OF LOCAL LIMITS.—
7 Section 307(d) (33 U.S.C. 1317(d)) is amended
8 by adding at the end the following new sen-
9 tence: “As used in this subsection, the term
10 ‘pretreatment standard’ includes all prohibitions
11 or limitations on pollutants or pollutant param-
12 eters or other requirements developed by the
13 Administrator, a State, or a publicly owned
14 treatment works to control the introduction of
15 pollutants into publicly owned treatment
16 works.”.

17 (4) KNOWING VIOLATIONS.—

18 (A) IN GENERAL.—The first sentence of
19 section 309(c)(2) (33 U.S.C. 1319(c)(2)) is
20 amended by striking “3 years” and inserting “5
21 years”.

22 (B) SUBSEQUENT VIOLATIONS.—The sec-
23 ond sentence of section 309(c)(2) (33 U.S.C.
24 1319(c)(2)) is amended by striking “punish-
25 ment shall be by a fine” and all that follows

1 through the end of the sentence and inserting
2 “the maximum punishment shall be doubled
3 with respect to both fine and imprisonment.”.

4 (5) FIELD CITATION PROGRAM.—Section
5 309(g)(4)(A) (33 U.S.C. 1319(g)(4)(A)) is amended
6 by striking “this subsection” and inserting “para-
7 graph (2)(B)”.

8 (6) PENALTY AMOUNT FACTORS.—

9 (A) CIVIL PENALTIES.—The second sen-
10 tence of paragraph (1) of section 309(d) (33
11 U.S.C. 1319(d)), as designated by paragraph
12 (1)(A)(i), is amended to read as follows: “In de-
13 termining the amount of a penalty assessed
14 under this section, the court shall consider the
15 seriousness of each violation, the economic ben-
16 efit or savings to the violator (if any) resulting
17 from the violation, any previous violations, any
18 good-faith efforts to avoid noncompliance or to
19 comply with the applicable requirements, the
20 ability of the violator to pay, any penalty pre-
21 viously imposed by a court or administrative
22 agency for the same violation, and such other
23 matters in mitigation and aggravation as justice
24 may require.”.

1 (B) ADDITIONAL FACTORS.—Section
2 309(d)(1) (33 U.S.C. 1319(d)(1)), as amended
3 by subparagraph (A), is further amended by in-
4 serting after the second sentence the following
5 new sentence: “In determining the amount of a
6 penalty assessed under this section against a
7 person who was no longer in violation when the
8 action was brought, the court shall consider, in
9 addition to the factors described in the previous
10 sentence, the duration of the violator’s continu-
11 ous compliance and noncompliance, the viola-
12 tor’s efforts to comply both before and after the
13 violations at issue, the violator’s diligence in
14 preventing the violations at issue, and the likeli-
15 hood that the violations will recur.”.

16 (C) ADMINISTRATIVE PENALTIES.—The
17 first sentence of section 309(g)(3) (33 U.S.C.
18 1319(g)(3)) is amended to read as follows: “In
19 determining the amount of a penalty assessed
20 under this section, the Administrator or the
21 Secretary of the Army shall consider the seri-
22 ousness of each violation, the economic benefit
23 or savings to the violator (if any) resulting from
24 the violation, any previous violations, any good-
25 faith efforts to avoid noncompliance or to com-

1 ply with the applicable requirements, the ability
2 of the violator to pay, any penalty previously
3 imposed by a court or administrative agency for
4 the same violation, and such other matters in
5 mitigation and aggravation as justice may
6 require.”.

7 (7) ECONOMIC BENEFIT.—

8 (A) FEDERAL CONSIDERATION OF ECO-
9 NOMIC BENEFIT.—

10 (i) GENERAL CIVIL PENALTIES.—

11 Paragraph (1) of section 309(d) (33
12 U.S.C. 1319(d)), as designated by para-
13 graph (1)(A)(i), is amended by inserting
14 after the first sentence the following new
15 sentence: “Except in a case of extreme eco-
16 nomic hardship, and notwithstanding the
17 maximum amount of a penalty established
18 by the preceding sentence, the minimum
19 amount of a penalty that a court shall as-
20 sess pursuant to this subsection on a find-
21 ing of a violation shall be the amount of
22 any economic benefit to the violator result-
23 ing from the violation.”.

24 (ii) SECTION 311.—Section 311(b)(8)
25 (33 U.S.C. 1321(b)(8)) is amended by

adding at the end the following new sentence: “Except in the case of extreme economic hardship, and notwithstanding the maximum amount established by paragraph (7)(A), the minimum amount of a penalty that a court shall assess pursuant to this subsection on a finding of a violation shall be the amount of any economic benefit to the violator resulting from the violation.”.

(iii) SECTION 404.—Section 404(s)(4) (33 U.S.C. 1344(s)(4)) is amended—

(I) by striking “(4) Any” and inserting the following:

“(4) CIVIL PENALTY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), any”; and

(II) by adding at the end the following new subparagraph:

“(B) MINIMUM PENALTY.—Except in a case of extreme economic hardship, and notwithstanding the maximum amount of a penalty established under this paragraph, the minimum amount of a penalty that a court shall assess pursuant to this paragraph on a finding of a

1 violation shall be the amount of any economic
2 benefit to the violator resulting from the
3 violation.”.

4 (iv) ADMINISTRATIVE CIVIL PEN-
5 ALTIES.—Section 309(g)(3) (33 U.S.C.
6 1319(g)(3)) is amended by inserting after
7 the first sentence the following new sen-
8 tence: “Except in a case of extreme eco-
9 nomic hardship, and subject to the maxi-
10 mum amount of a penalty determined pur-
11 suant to paragraph (2), the minimum
12 amount that a hearing officer shall rec-
13 ommend on a finding of a violation shall be
14 the amount of any economic benefit to the
15 violator resulting from the violation.”.

16 (B) STATE CONSIDERATION OF ECONOMIC
17 BENEFIT.—Section 309(d) (33 U.S.C.
18 1319(d)), as amended by paragraph (1)(A), is
19 further amended by adding at the end the fol-
20 lowing new paragraph:

21 “(3) STATE CONSIDERATION OF ECONOMIC
22 BENEFIT.—Each State that has in effect a State law
23 with civil enforcement authority that is comparable
24 to the civil enforcement authority under this sub-
25 section for comparable violations, shall, in exercising

1 the authority, develop and apply an economic benefit
2 policy. The policy shall require the consideration, in
3 determining the amount of any civil penalty assessed
4 against a violator, of the amount of any economic
5 benefit to the violator resulting from the violation.”.

6 (C) REVIEW OF ECONOMIC BENEFIT
7 MODEL.—Not later than 2 years after the date
8 of enactment of this Act, the Administrator of
9 the Environmental Protection Agency shall re-
10 view the model used by the Administrator to de-
11 termine the economic benefits of noncompliance
12 with the requirements of the Federal Water
13 Pollution Control Act (33 U.S.C. 1251 et seq.),
14 and make such revisions as the Administrator
15 considers appropriate. Before conducting the re-
16 view, the Administrator shall publish detailed
17 information concerning the model and the use
18 of the model and solicit public comment on the
19 model and alternative methods to determine the
20 economic benefits of noncompliance with such
21 Act.

22 (8) STATE ADMINISTRATIVE ENFORCEMENT.—

23 (A) IN GENERAL.—Section 402 (33 U.S.C.
24 1342), as amended by section 501(a), is further

1 amended by adding at the end the following
2 new subsection:

3 “(s) WITHHOLDING WATER POLLUTION CONTROL
4 ASSISTANCE.—

5 “(1) IN GENERAL.—Beginning on the date that
6 is 3 years after the date of enactment of this sub-
7 section, the Administrator is authorized to withhold
8 from a State with an approved program under sub-
9 section (b), an amount not to exceed 25 percent of
10 the amount of funds allocated for any fiscal year to
11 the State under section 106, if the Administrator de-
12 termines that the State does not have adequate au-
13 thority to abate violations of—

14 “(A) permits issued under section 402; and

15 “(B) pretreatment requirements applicable
16 to industrial users of publicly owned treatment
17 works.

18 “(2) ADEQUATE AUTHORITY.—For purposes of
19 paragraph (1), in order to demonstrate adequate au-
20 thority, a State shall, at a minimum, demonstrate
21 the authority to recover an administrative civil pen-
22 alty in a maximum amount of not less than \$10,000
23 per day for each violation referred to in paragraph
24 (1).

1 “(3) AMOUNTS WITHHELD.—The Administrator
2 shall make available any amounts withheld under
3 paragraph (1) to States with an approved program
4 under subsection (b).”.

5 (B) ABATEMENT.—Section 402(b) (33
6 U.S.C. 1342(b)) is amended by striking para-
7 graph (7) and inserting the following new para-
8 graph:

9 “(7) To abate violations of the permit or the permit
10 program by—

11 “(A) the imposition of administrative penalties
12 (in a manner comparable to section 309(g));

13 “(B) the imposition of civil penalties;

14 “(C) the imposition of criminal penalties; or

15 “(D) other means of enforcement that the State
16 is able to demonstrate to be as effective as the
17 means described in this paragraph.”.

18 (9) FEDERAL PROCUREMENT.—Subsection (a)
19 of section 508 (33 U.S.C. 1368(a)) is amended to
20 read as follows:

21 “(a) CONTRACTS WITH CERTAIN VIOLATORS PRO-
22 HIBITED.—

23 “(1) MANDATORY PROHIBITION.—No official of
24 a Federal agency may enter into any contract,
25 grant, or loan that is to be performed, in whole or

1 in part, using any facility that is owned, leased, op-
2 erated, or supervised by any person who has been
3 convicted of an offense under section 309(c), or sec-
4 tion 13 or 16 of the Act entitled ‘An Act making ap-
5 propriations for the construction, repair, and preser-
6 vation of certain public works on rivers and harbors,
7 and for other purposes’ (commonly known as the
8 ‘River and Harbor Act of 1899’), approved March 3,
9 1899 (33 U.S.C. 407 or 411).

10 “(2) DISCRETIONARY PROHIBITION.—The Ad-
11 ministrator may issue a determination that provides
12 that no official of a Federal agency may enter into
13 any contract, grant, or loan that is to be performed,
14 in whole or in part, using any facility that is owned,
15 leased, operated, or supervised by any person who
16 has been—

17 “(A) found liable for a civil violation of the
18 requirements of this Act; or

19 “(B) convicted by a State court of a crimi-
20 nal offense as a result of noncompliance with
21 the requirements of this Act,

22 if the Administrator determines that the person has
23 engaged in a pattern of continuing or recurring vio-
24 lations of the requirements of this Act.

1 “(3) APPLICABILITY.—The prohibitions estab-
2 lished under paragraphs (1) and (2) shall only apply
3 to each facility at which the act or conduct of a per-
4 son who was an owner, lessee, operator, or super-
5 visor at the time of the conduct giving rise to a con-
6 viction described in paragraph (1), or a pattern of
7 recurring violations described in paragraph (2), oc-
8 curred, unless the Administrator determines, based
9 on extraordinary circumstances, that the prohibition
10 shall apply to additional facilities owned, leased, op-
11 erated, or supervised by an owner, lessee, operator,
12 or supervisor at the time the conduct giving rise to
13 a conviction described in paragraph (1), or a pattern
14 of continuing or recurring violations described in
15 paragraph (2), occurred.

16 “(4) DURATION.—A prohibition established
17 under this section shall apply with respect to a per-
18 son until such time as the Administrator certifies
19 that the conditions that gave rise to the conviction
20 described in paragraph (1) or the pattern of recur-
21 ring violations described in paragraph (2) (including
22 any relevant policies, practices, and procedures con-
23 cerning environmental compliance), that resulted in
24 the person being subject to the prohibition have been
25 corrected.

1 “(5) TERMINATION.—

2 “(A) IN GENERAL.—Not later than 60
3 days after the date of enactment of this para-
4 graph, the Administrator shall establish proce-
5 dures for a person subject to a prohibition
6 under paragraph (1) or (2) to file a petition re-
7 questing the Administrator to terminate the
8 prohibition.

9 “(B) RESPONSE TO PETITION.—Not later
10 than 90 days after receipt of a complete peti-
11 tion from a person subject to a prohibition
12 under paragraph (1) or (2), the Administrator
13 shall respond to the petition. If the Adminis-
14 trator fails to respond to a petition by the date
15 that is 90 days after the receipt, the failure
16 shall be considered to be final agency action
17 subject to judicial review.

18 “(6) DISCLOSURE.—Each applicant who seeks
19 to participate in a Federal contract, grant, or loan
20 shall be required as a condition of participation in
21 the contract, grant, or loan, to disclose—

22 “(A) any conviction described in paragraph
23 (1); or

24 “(B) any determination by the Adminis-
25 trator, pursuant to paragraph (2), that the ap-

1 plicant engaged in a pattern of continuing or
 2 recurring violations of the requirements of this
 3 Act,
 4 to the appropriate official of each appropriate Fed-
 5 eral agency.”.

6 (10) ADMINISTRATIVE PENALTIES.—

7 (A) IN GENERAL.—Section 309(g)(2)(B)
 8 (33 U.S.C. 1319(g)(2)(B)) is amended by strik-
 9 ing “\$125,000” and inserting “\$200,000”.

10 (B) OIL AND HAZARDOUS SUBSTANCE LI-
 11 ABILITY.—Section 311(b)(6)(B)(ii) (33 U.S.C.
 12 1321(b)(6)(B)(ii)) is amended by striking
 13 “\$125,000” and inserting “\$200,000”.

14 (11) JOINDER.—The first sentence of section
 15 309(e) (33 U.S.C. 1319(e)) is amended by striking
 16 “shall” and inserting “may”.

17 (12) NARRATIVE PERMIT CONDITIONS.—

18 (A) FEDERAL ENFORCEMENT ACTIONS.—
 19 Section 309 (33 U.S.C. 1319) is amended by
 20 adding the following new subsection:

21 “(h) DEFINITION OF PERMIT CONDITION.—For pur-
 22 poses of this section, the term ‘permit condition’ includes
 23 a narrative condition or limitation requiring compliance
 24 with a standard, limitation, or other requirement under
 25 section 301, 302, 303, 306, 307, or 405.”.

1 (B) CITIZEN SUITS.—Section 505(f)(6)
2 (33 U.S.C. 1365(f)(6)) is amended by inserting
3 after “permit or condition thereof” the follow-
4 ing: “, including a narrative condition or limita-
5 tion requiring compliance with a standard, limi-
6 tation, or other requirement under section 301,
7 302, 303, 306, 307, or 405,”.

8 (c) FEDERAL FACILITIES.—

9 (1) IN GENERAL.—Section 313(a) (33 U.S.C.
10 1323(a)) is amended—

11 (A) in the first sentence—

12 (i) by striking “(1)” and inserting
13 “(A)”; and

14 (ii) by striking “(2)” and inserting
15 “(B)”;

16 (B) by designating the first and second
17 sentences as paragraphs (1) and (2), respec-
18 tively;

19 (C) by striking the third sentence;

20 (D) by designating the fourth sentence as
21 paragraph (7);

22 (E) by striking the fifth sentence;

23 (F) by designating the sixth through elev-
24 enth sentences as paragraph (8);

1 (G) by inserting after paragraph (2) (as
2 designated by subparagraph (B)) the following
3 new paragraphs:

4 “(3) ADMINISTRATIVE ORDERS AND CIVIL PEN-
5 ALTIES.—The Federal, State, interstate, and local
6 substantive and procedural requirements, adminis-
7 trative authority, and process and sanctions referred
8 to in this section shall include—

9 “(A) any administrative order; and

10 “(B) any civil or administrative penalty or
11 fine (without regard to whether the penalty or
12 fine is punitive or coercive in nature or is im-
13 posed for one or more isolated, intermittent, or
14 continuing violations).

15 “(4) LIMITED WAIVER OF SOVEREIGN IMMU-
16 NITY.—The United States hereby expressly waives
17 any immunity otherwise applicable to the United
18 States with respect to the substantive and proce-
19 dural requirements, administrative authority, and
20 process and sanctions referred to in this section (in-
21 cluding any injunctive relief, administrative order,
22 civil or administrative penalty referred to in para-
23 graph (3)(B), or reasonable service charge).

24 “(5) REASONABLE SERVICE CHARGE.—A rea-
25 sonable service charge referred to in paragraph (4)

1 includes any fee or charge assessed in connection
2 with—

3 “(A) the processing and issuance of a
4 permit;

5 “(B) the renewal of a permit;

6 “(C) an amendment to a permit;

7 “(D) the review of a plan, study, or other
8 document;

9 “(E) the inspection and monitoring of a
10 facility; and

11 “(F) any other nondiscriminatory charge,
12 that is assessed in connection with a Federal, State,
13 interstate, or local water pollution program.

14 “(6) LIABILITY OF AGENTS, EMPLOYEES, AND
15 OFFICERS OF THE UNITED STATES.—

16 “(A) CIVIL PENALTIES.—No agent, em-
17 ployee, or officer of the United States shall be
18 personally liable for any civil penalty under any
19 Federal, State, interstate, or local water pollu-
20 tion law with respect to any act or omission
21 within the official duties of the agent, employee,
22 or officer.

23 “(B) CRIMINAL SANCTIONS.—An agent,
24 employee, or officer of the United States shall
25 be subject to a criminal sanction (including a

1 fine or imprisonment) under a Federal or State
2 water pollution law, except that no department,
3 agency, or instrumentality of the executive, leg-
4 islative, or judicial branch of the Federal Gov-
5 ernment shall be subject to a criminal sanction
6 referred to in this subparagraph.”; and

7 (H) in paragraph (7) (as designated by
8 subparagraph (D)), by striking “28 U.S.C.
9 1441 et seq.” and inserting “chapter 89 of title
10 28, United States Code”.

11 (2) DEFINITION OF PERSON.—Section 502(5)
12 (33 U.S.C. 1362(5)) is amended by striking “or any
13 interstate body” and inserting “any interstate body,
14 or any department, agency, or instrumentality of the
15 United States”.

16 (3) CIVIL PENALTY.—Section 311(a)(7) (33
17 U.S.C. 1321(a)(7)) is amended by striking “and a
18 partnership” and inserting “partnership, or any de-
19 partment, agency or instrumentality of the United
20 States”.

21 (4) COMPLIANCE ORDERS.—Section 309 (33
22 U.S.C. 1319), as amended by subsection (b)(12)(A),
23 is further amended by adding at the end the follow-
24 ing new subsection:

1 “(i) COMPLIANCE ORDERS FOR FEDERAL FACILITY
2 ENFORCEMENT.—

3 “(1) IN GENERAL.—

4 “(A) AUTHORIZATION.—If on the basis of
5 any information available—

6 “(i) to the Administrator, the Admin-
7 istrator determines that any department,
8 agency, or instrumentality of the United
9 States has violated or is in violation of sec-
10 tion 301, 302, 306, 307, 308, 311, 318, or
11 405, or has violated or is in violation of
12 any permit condition or limitation imple-
13 menting any of such sections in a permit
14 issued under section 402 by the Adminis-
15 trator or by a State, or in a permit issued
16 under section 404 by a State, or any re-
17 quirement imposed under a pretreatment
18 program approved under subsection (a)(3),
19 (b)(8), or (b)(9) of section 402;

20 “(ii) to the Secretary of the Army, the
21 Secretary of the Army determines that any
22 department, agency, or instrumentality of
23 the United States has violated or is in vio-
24 lation of—

1 “(I) section 301 with regard to a
2 discharge of dredged or fill material;
3 or

4 “(II) any condition or limitation
5 in a permit issued by the Secretary
6 under section 404; or

7 “(iii) to the Secretary of the Depart-
8 ment in which the Coast Guard is operat-
9 ing, the Secretary determines that any de-
10 partment, agency, or instrumentality of the
11 United States has violated section 311 or
12 any regulation implementing such section,
13 the Administrator or Secretary, as applicable,
14 may issue an order to assess a civil or adminis-
15 trative penalty for any past or current violation,
16 or to require compliance immediately or within
17 a specified time period, or both.

18 “(B) CONTENTS OF ORDER.—

19 “(i) IN GENERAL.—Any order issued
20 pursuant to this subsection—

21 “(I) by the Administrator, may
22 include a suspension or revocation of
23 any permit issued by the Adminis-
24 trator or a State under section 402 or
25 404;

1 “(II) by the Secretary of the
2 Army, may include a suspension or
3 revocation of any permit issued by the
4 Secretary of the Army under section
5 404; and

6 “(III) shall state with reasonable
7 specificity the nature of the violation.

8 “(ii) MAXIMUM PENALTY AMOUNT.—
9 Any penalty assessed in an order issued
10 pursuant to this subsection may not exceed
11 \$25,000 per day for each violation.

12 “(2) PUBLIC HEARING.—

13 “(A) IN GENERAL.—Any order issued pur-
14 suant to this subsection shall become final un-
15 less, not later than 30 days after the order is
16 served, the department, agency, or instrumen-
17 tality of the United States named in the order
18 requests a public hearing. If the request is
19 made, the Administrator or Secretary, as appli-
20 cable, shall promptly conduct a public hearing
21 in accordance with section 554 of title 5,
22 United States Code.

23 “(B) SUBPOENAS AND DISCOVERY.—In
24 connection with any proceeding under this sub-

1 section, the Administrator or Secretary, as ap-
2 plicable, may—

3 “(i) issue a subpoena for the attend-
4 ance and testimony of a witness or the
5 production of a relevant paper, book, or
6 document; and

7 “(ii) promulgate rules for discovery
8 procedures.

9 “(3) VIOLATION OF ORDERS.—If a violator fails
10 to take corrective action within the period specified
11 in an order issued under this subsection—

12 “(A) the Administrator or Secretary, as
13 applicable, may assess a civil penalty of not
14 more than \$25,000 for each day of continued
15 noncompliance with the order; and

16 “(B)(i) the Administrator may suspend or
17 revoke the permit issued pursuant to section
18 402 or 404 that is the subject of the order,
19 without regard to whether the permit is issued
20 by the Administrator or a State; and

21 “(ii) the Secretary of the Army may sus-
22 pend or revoke the permit issued pursuant to
23 section 404.

24 “(4) DETERMINING AMOUNT OF PENALTY.—In
25 determining the amount of a penalty assessed under

1 this section, the Administrator or Secretary, as ap-
2 plicable, shall consider the seriousness of each viola-
3 tion, the economic benefit or savings to the violator
4 (if any) resulting from the violation, any previous
5 violations, any good-faith efforts to avoid noncompli-
6 ance or to comply with the applicable requirements,
7 any penalty previously imposed by a court or admin-
8 istrative agency for the same violation, and such
9 other matters in mitigation and aggravation as jus-
10 tice may require.

11 “(5) LIMITATION ON ACTIONS AND RIGHTS OF
12 INTERESTED PERSONS.—

13 “(A) IN GENERAL.—Any violation with re-
14 spect to which the Administrator or the Sec-
15 retary, as applicable, has commenced and is
16 diligently prosecuting an action under this sub-
17 section, or for which the Administrator or the
18 Secretary has issued a final order and the viola-
19 tor has paid a penalty assessed under this sub-
20 section within the period allowed for payment of
21 the penalty, shall not be the subject of a civil
22 enforcement action under section 505.

23 “(B) PUBLIC NOTICE.—Before issuing an
24 order under this subsection, the Administrator
25 or Secretary, as the case may be, shall provide

1 public notice of, and reasonable opportunity to
2 comment on, the proposed order.

3 “(C) RIGHTS OF INTERESTED PERSONS TO
4 A HEARING.—If no hearing is held under para-
5 graph (2), any person who commented on a
6 proposed order may, not later than 30 days
7 after the issuance of the order, petition the Ad-
8 ministrator or the Secretary, as the case may
9 be, to set aside the order and to provide a hear-
10 ing on the order. If the evidence presented by
11 the petitioner in support of the petition is mate-
12 rial and was not considered before the issuance
13 of the order, the Administrator or the Secretary
14 shall immediately set aside the order and pro-
15 vide a hearing in accordance with paragraph
16 (2). If the Administrator or the Secretary de-
17 nies a hearing under this subparagraph, the
18 Administrator or the Secretary shall provide to
19 the petitioner, and publish in the Federal Reg-
20 ister, notice of and reasons for the denial.

21 “(6) CITIZENS’ CIVIL ACTION.—Any person
22 may commence a civil action on his or her own be-
23 half against—

24 “(A) any Federal agency that is alleged to
25 have violated or to be in violation of any order

1 issued by the Administrator or the Secretary
2 under this title; or

3 “(B) any Federal agency that fails, within
4 1 year of the effective date of a final order, to
5 pay a penalty assessed by the Administrator or
6 the Secretary pursuant to this subsection, to
7 pay the penalty.

8 “(7) CONSTRUCTION.—Nothing in this sub-
9 section is intended to be construed to limit the au-
10 thority of the Administrator to take enforcement ac-
11 tion against a Federal agency under any other provi-
12 sion of this title.”.

13 (d) EMERGENCY POWERS.—Section 504 (33 U.S.C.
14 1364) is amended—

15 (1) in subsection (a)—

16 (A) by inserting after “(a)” the following
17 new subsection heading: “IN GENERAL.—”;

18 (B) by striking “is presenting” and insert-
19 ing “may present”;

20 (C) by inserting “, whether actual or
21 threatened,” after “substantial endangerment”;
22 and

23 (D) by striking “may bring suit” and all
24 that follows through the end of the sentence

1 and inserting the following: “or to the environ-
2 ment, the Administrator may—

3 “(1) issue such orders, or take such action, as
4 may be necessary to protect public health or welfare
5 or the environment; and

6 “(2) bring suit on behalf of the United States
7 in a district court of the United States of appro-
8 priate jurisdiction against any person who causes or
9 contributes to the alleged pollution or threat of pol-
10 lution to—

11 “(A) immediately restrain the person from
12 discharging or threatening to discharge each
13 pollutant causing or contributing to the pollu-
14 tion;

15 “(B) order the person to take such other
16 action as may be necessary; or

17 “(C) take action under both subparagraphs
18 (A) and (B).”; and

19 (2) by adding at the end the following new sub-
20 sections:

21 “(b) ADDITIONAL ACTION.—The Administrator may
22 take additional action under this section, including issuing
23 such orders as may be necessary to protect public health
24 or welfare or the environment.

1 “(c) ENFORCEMENT OF ORDERS.—The Adminis-
2 trator may bring a civil action to enforce an order issued
3 by the Administrator under this section. Any person who
4 violates or fails or refuses to comply with an order of the
5 Administrator issued under this section may be subject to
6 a civil penalty under section 309(d) for each day during
7 which the violation occurs or the failure or refusal to com-
8 ply continues.”.

9 (e) ADMINISTRATIVE AMENDMENTS.—

10 (1) REQUIREMENT FOR CONSULTATION ON AD-
11 MINISTRATIVE ORDERS.—Section 309(g) (33 U.S.C.
12 1319(g)) is amended by inserting after paragraph
13 (11) the following new paragraph:

14 “(12) CONSULTATION.—The failure of the Ad-
15 ministrator to consult with a State concerning a vio-
16 lation of an order pursuant to paragraph (1) may
17 not constitute a defense in any action to assess a
18 civil penalty under this subsection and may not in-
19 validate the assessment of any penalty under this
20 subsection.”.

21 (2) EFFECT OF STATE ENFORCEMENT AC-
22 TIONS.—Section 309(g)(6)(A) (33 U.S.C.
23 1319(g)(6)(A)) is amended—

24 (A) in clause (i), by adding “or” at the
25 end;

1 (B) by striking clause (ii);

2 (C) by redesignating clause (iii) as clause
3 (ii); and

4 (D) in clause (ii) (as so redesignated)—

5 (i) by striking “, the Secretary, or the
6 State” and inserting “or the Secretary”;
7 and

8 (ii) by striking “or such comparable
9 State law, as the case may be,”.

10 (3) SINGLE OPERATIONAL UPSETS.—

11 (A) CRIMINAL PENALTIES.—Section
12 309(c) (33 U.S.C. 1319(c)), as amended by
13 subsection (b)(1)(C), is further amended—

14 (i) by striking paragraph (5); and

15 (ii) by redesignating paragraphs (6),
16 (7), and (8) as paragraphs (5), (6), and
17 (7), respectively.

18 (B) CIVIL PENALTIES.—Paragraph (1) of
19 section 309(d) (33 U.S.C. 1319(d)), as des-
20 ignated by subsection (b)(1)(A)(i), is amended
21 by striking “For purposes of this subsection, a
22 single operational upset which leads to simulta-
23 neous violations of more than one pollutant pa-
24 rameter shall be treated as a single violation.”.

1 (C) ADMINISTRATIVE PENALTIES.—Section
2 309(g)(3) (33 U.S.C. 1319(g)(3)) is amended
3 by striking “For purposes of this subsection, a
4 single operational upset which leads to simulta-
5 neous violations of more than one pollutant pa-
6 rameter shall be treated as a single violation.”.

7 (4) OBTAINING INFORMATION.—

8 (A) IN GENERAL.—Subsection (a) of sec-
9 tion 308 (33 U.S.C. 1318(a)) is amended to
10 read as follows:

11 “(a) IN GENERAL.—

12 “(1) DUTIES OF THE ADMINISTRATOR.—When-
13 ever the Administrator is required to carry out the
14 objective of this Act (as described in section 101(a)),
15 including—

16 “(A) developing or assisting in the develop-
17 ment of an effluent limitation, or other limita-
18 tion, prohibition, or effluent standard,
19 pretreatment standard, or standard of perform-
20 ance under this Act;

21 “(B) determining whether any person is in
22 violation of an effluent limitation, or other limi-
23 tation, prohibition, effluent standard,
24 pretreatment standard, or standard of perform-
25 ance, or is causing or contributing to the

1 exceedance of a water quality standard, under
2 this Act;

3 “(C) a requirement established under this
4 section; or

5 “(D) carrying out sections 305, 311, 402,
6 404 (relating to State permit programs), 405,
7 and 504,

8 the Administrator may require a person subject to a
9 requirement of this Act to meet the requirements of
10 paragraph (2) relating to the provision of informa-
11 tion to the Administrator if the Administrator deter-
12 mines that the information is relevant to the imple-
13 mentation of this Act.

14 “(2) REQUIREMENTS.—In each case described
15 in paragraph (1), the Administrator may require a
16 person subject to a requirement of this Act to—

17 “(A) establish and maintain such records;

18 “(B) make such reports;

19 “(C) install, use, and maintain such mon-
20 itoring equipment or methods (including, if ap-
21 propriate, biological monitoring methods);

22 “(D) sample such effluents and affected
23 receiving waters (in accordance with such meth-
24 ods, at such locations, at such intervals, and in

1 such manner as the Administrator may pre-
2 scribe);

3 “(E) provide such data as is necessary to
4 support the development of water quality cri-
5 teria for a pollutant present in the discharge of
6 the owner or operator; and

7 “(F) provide such other information,
8 as the Administrator may reasonably require.

9 “(3) INSPECTION.—The Administrator or an
10 authorized representative of the Administrator (in-
11 cluding an authorized contractor acting as a rep-
12 resentative of the Administrator) on presentation
13 of the credentials of the Administrator or representa-
14 tive—

15 “(A) shall have a right of entry to, upon,
16 or through any premises in which an effluent
17 source is located or in which any records re-
18 quired to be maintained under paragraph (2)
19 are located; and

20 “(B) may at reasonable times have access
21 to and copy any records, inspect any monitoring
22 equipment or method required under paragraph
23 (2), and sample any effluents that the owner or
24 operator of the source is required to sample
25 under such paragraph.”.

1 (B) PUBLIC ACCESS.—The first sentence
2 of section 308(b) (33 U.S.C. 1318(b)) is
3 amended—

4 (i) by inserting after “obtained under
5 this section” the following: “, including in-
6 formation contained in the Permit Compli-
7 ance System,”; and

8 (ii) by inserting after “shall be avail-
9 able to the public” the following: “by com-
10 puter telecommunications and other
11 means, on a cost reimbursable basis”.

12 (C) TECHNICAL AMENDMENTS.—Section
13 308 (33 U.S.C. 1318) is amended—

14 (i) in subsection (b), by inserting
15 “RECORDS; REPORTS; INFORMATION.—”
16 after “(b)”;

17 (ii) in subsection (c), by inserting
18 “PROCEDURES.—” after “(c)”.

19 (5) SUBPOENAS.—The first sentence of section
20 509(a)(1) (33 U.S.C. 1369(a)(1)) is amended—

21 (A) by striking “305” and inserting
22 “308”; and

23 (B) by inserting “or any enforcement ac-
24 tivity under this Act” after “section 507(e) of
25 this Act”.

1 (f) TECHNICAL AMENDMENTS.—

2 (1) Section 309(g)(2) (33 U.S.C. 1319(g)(2)) is
3 amended—

4 (A) in subparagraph (A), by inserting “day
5 for each” after “exceed \$10,000 per”; and

6 (B) in the first sentence of subparagraph
7 (B), by striking “for each day during which the
8 violation continues” and inserting “for each
9 violation”.

10 (2) Section 505(f)(7) (33 U.S.C. 1365(f)(7)) is
11 amended by striking the comma before the period at
12 the end.

13 (3) Section 309(d) (33 U.S.C. 1319(d)) is
14 amended by striking “under section 404 of this Act
15 by a State,,” and inserting “under section 404 of
16 this Act by a State,”.

17 **TITLE VI—PROGRAM**
18 **MANAGEMENT**

19 **SEC. 601. WATER PROGRAM RESEARCH.**

20 (a) GENERAL AUTHORITY.—Subsection (a) of section
21 104 (33 U.S.C. 1254(a)) is amended to read as follows:

22 “(a) WATER PROGRAM RESEARCH.—

23 “(1) IN GENERAL.—In cooperation with Fed-
24 eral, State, and local agencies, public or private in-
25 stitutions, organizations, and individuals, the Ad-

1 administrator shall conduct and promote a comprehen-
2 sive program of research, investigations, experi-
3 ments, surveys, and studies relating to the causes,
4 sources, effects, extent, prevention, detection, and
5 correction of water pollution.

6 “(2) CONTENTS OF RESEARCH PROGRAM.—In
7 carrying out this section, the Administrator is
8 authorized to—

9 “(A) collect and make available, through
10 publications and other appropriate means, the
11 results of research conducted pursuant to this
12 section;

13 “(B) encourage, cooperate with, and
14 render technical services to pollution control
15 agencies and other appropriate public or private
16 institutions, organizations, and individuals;

17 “(C) conduct investigations concerning the
18 pollution of any water and report on the results
19 of the investigations;

20 “(D) conduct research with respect to, and
21 make surveys concerning, the nationwide extent
22 and seriousness of pollution or causes of pollu-
23 tion in water;

24 “(E) develop, assess, collect, and dissemi-
25 nate basic data on—

1 “(i) the chemical, physical, and bio-
2 logical effects of variations in water qual-
3 ity; and

4 “(ii) other information relating to
5 water pollution and the prevention, reduc-
6 tion, and elimination of water pollution;

7 “(F) develop effective and practical proc-
8 esses, methods, and prototype devices for the
9 prevention, reduction, and elimination of water
10 pollution;

11 “(G) make grants to State water pollution
12 control agencies, interstate agencies, other pub-
13 lic or nonprofit private agencies, institutions,
14 organizations, and individuals to conduct re-
15 search pursuant to this section;

16 “(H) contract with public or private agen-
17 cies, institutions, organizations, and individuals,
18 without regard to section 3709 of the Revised
19 Statutes (41 U.S.C. 5) and subsections (a) and
20 (b) of section 3324 of title 31, United States
21 Code, to conduct research pursuant to this
22 section;

23 “(I) utilize, on a reimbursable basis, facili-
24 ties and personnel of Federal scientific labora-
25 tories and research centers;

1 “(J) convene conferences concerning water
2 quality and water pollution control research is-
3 sues, and provide an opportunity for interested
4 persons to be heard and to present papers at
5 the conferences; and

6 “(K) acquire secret processes, technical
7 data, inventions, patent applications, patents, li-
8 censes, interests in lands, plants, equipment,
9 and facilities, and other property rights by pur-
10 chase, license, lease, or donation.”.

11 (b) WATER RESEARCH ADVISORY COMMITTEE.—
12 Subsection (b) of section 104 (33 U.S.C. 1254(b)) is
13 amended to read as follows:

14 “(b) LIVING RESOURCES.—The Administrator, in co-
15 operation with the Director of the United States Fish and
16 Wildlife Service, the Administrator of the National Oce-
17 anic and Atmospheric Administration, and officials of
18 other appropriate Federal agencies, shall conduct research
19 with respect to, an investigation of, and survey the results
20 of other scientific studies on, the harmful effects on the
21 health and habitat of fish, shellfish, and wildlife caused
22 by pollutants in water.”.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
24 104(u) (33 U.S.C. 1254(u)) is amended by adding at the
25 end the following new sentences: “There are authorized

1 to be appropriated to the Environmental Protection Agen-
2 cy to carry out this section such sums as may be necessary
3 for fiscal year 1994 and \$50,000,000 for each of fiscal
4 years 1995 through 2000. Of the sums made available
5 pursuant to the preceding sentence for each fiscal year,
6 the Administrator shall reserve not less than \$500,000 for
7 the operation of the small flows clearinghouse established
8 pursuant to subsection (q)(4).”.

9 (d) TECHNICAL AMENDMENTS.—Section 104 (33
10 U.S.C. 1254) is amended—

11 (1) in subsection (c), by striking “Health, Edu-
12 cation, and Welfare” and inserting “Health and
13 Human Services”;

14 (2) by striking subsection (g) and inserting the
15 following new subsection:

16 “(g) RESEARCH FELLOWSHIPS.—The Administrator
17 shall establish and maintain research fellowships with such
18 stipends and allowances, including travel and subsistence
19 expenses, as the Administrator considers necessary to
20 procure the assistance of the most promising research
21 fellows.”;

22 (3) in subsection (p), by striking all after “pol-
23 lution from” and inserting the following: “nonpoint
24 sources of pollution, including agriculture, urban
25 runoff, construction activities, hydromodification,

1 forest harvesting activities, mine runoff, and salt-
2 water intrusion.”;

3 (4) in subsection (q)(3)(A), by striking “sub-
4 section (e)(2) of”; and

5 (5) in subsection (s)—

6 (A) by striking “The Administrator is au-
7 thorized to make grants to one or more institu-
8 tions of higher education (regionally located and
9 to be designated as ‘River Studies Centers’) for
10 the purpose of conducting and reporting on”
11 and inserting “The Administrator, in coopera-
12 tion with the Director of the United States Ge-
13 ological Survey, the heads of other Federal
14 agencies, and the States, shall conduct re-
15 search, investigations, and”; and

16 (B) by striking the last sentence.

17 **SEC. 602. STATE CERTIFICATION.**

18 The first sentence of section 401(a) (33 U.S.C.
19 1341(a)(1)) is amended by inserting before the period at
20 the end the following: “and that any such activity will
21 comply with water quality standards adopted under sec-
22 tion 303 and allow for the protection, attainment, and
23 maintenance of designated and existing uses included in
24 the standards”.

1 **SEC. 603. EMPLOYEE PROTECTION.**

2 Section 507 (33 U.S.C. 1367) is amended—

3 (1) in subsection (a)—

4 (A) by striking “fire” and inserting “dis-
5 charge, discipline”; and

6 (B) by striking “fired” and inserting “dis-
7 charged, disciplined,”;

8 (2) by striking subsections (b) and (c);

9 (3) by redesignating subsections (d) and (e) as
10 subsections (e) and (f), respectively; and

11 (4) by inserting after subsection (a) the follow-
12 ing new subsections:

13 “(b) EMPLOYEE’S FAILURE TO PERFORM CERTAIN
14 DUTIES.—

15 “(1) IN GENERAL.—

16 “(A) IN GENERAL.—No person shall dis-
17 charge, discipline, or otherwise discriminate
18 against, or cause to be discharged, disciplined,
19 or discriminated against, any employee on the
20 ground that the employee refuses to perform
21 the duties of the employee, if—

22 “(i) performing the duties would con-
23 stitute a violation of this Act or a regula-
24 tion issued under this Act; or

25 “(ii) the employee reasonably believes
26 (consistent with subparagraph (B)) that

1 performing the duties would constitute a
2 violation of this Act or a regulation issued
3 under this Act and result in serious injury
4 to the public.

5 “(B) REASONABLE BELIEF.—For the pur-
6 pose of subparagraph (A)(ii), an employee shall
7 be considered to reasonably believe that per-
8 forming the duties would constitute a violation
9 of this Act or a regulation issued under this Act
10 and result in serious injury to the public if the
11 circumstances causing the belief are of such na-
12 ture as a reasonable person, in the situation of
13 the employee, would conclude that performing
14 the duties would constitute a violation of this
15 Act or a regulation issued under this Act and
16 that there is a bona fide danger that an acci-
17 dent, injury, or serious impairment to human
18 health or the environment will result from the
19 circumstances.

20 “(2) ATTEMPT TO OBTAIN CORRECTION.—In
21 order to qualify for protection under this subsection,
22 the employee shall, if practicable, have sought from
23 the employer of the employee, and have been unable
24 to obtain, a correction of the circumstances causing
25 the refusal to perform the duties of the employee.

1 “(c) FILING OF COMPLAINT.—

2 “(1) IN GENERAL.—An employee who believes
3 that the employee, or an authorized representative of
4 employees who believes that an employee, has been
5 discharged, disciplined, or otherwise discriminated
6 against by a person in violation of subsection (a) or
7 (b) may, not later than 180 days after the date on
8 which the alleged discharge, discipline, or discrimi-
9 nation (referred to in this section as the ‘violation’)
10 occurs, file (or have filed by a person on behalf of
11 the employee) a complaint with the Secretary of
12 Labor (referred to in this section as the ‘Secretary’)
13 alleging the violation. Upon receipt of the complaint,
14 the Secretary shall notify the person alleged in the
15 complaint to have committed the violation of the fil-
16 ing of the complaint.

17 “(2) ORDERS BY THE SECRETARY.—

18 “(A) ACTION BY THE SECRETARY.—

19 “(i) IN GENERAL.—Not later than 60
20 days after the receipt of a complaint filed
21 under paragraph (1) by an employee or
22 representative (referred to in this section
23 as the ‘complainant’), the Secretary
24 shall—

1 “(I) conduct an investigation of
2 the complaint;

3 “(II) determine whether there is
4 reasonable cause to believe that a vio-
5 lation has occurred;

6 “(III) notify the complainant,
7 and the person alleged to have com-
8 mitted the violation, of the findings of
9 the Secretary under this clause; and

10 “(IV) if the Secretary determines
11 that there is reasonable cause to be-
12 lieve that a violation has occurred, in-
13 clude in the notification a preliminary
14 order requiring corrective action in ac-
15 cordance with subparagraph (C).

16 “(ii) FILING OF OBJECTIONS.—Not
17 later than 30 days after the date of the is-
18 suance of a preliminary order under clause
19 (i)(IV), the person alleged to have commit-
20 ted the violation or the complainant may
21 file objections to the findings or prelimi-
22 nary order, or both, and request a hearing
23 on the record. The filing of the objections
24 shall not result in a stay of any reinstate-
25 ment required under the preliminary order.

1 “(iii) HEARINGS.—

2 “(I) TIMELY REQUEST.—If a
3 hearing is timely requested in accord-
4 ance with clause (ii), the Secretary
5 shall hold a hearing on the record as
6 soon as practicable after the request.

7 “(II) NO TIMELY REQUEST.—If a
8 hearing is not timely requested, the
9 preliminary order shall be deemed to
10 be a final order that is not subject to
11 judicial review.

12 “(iv) ISSUANCE OF FINAL ORDER.—
13 The Secretary shall issue a final order in
14 accordance with subparagraph (B) not
15 later than 120 days after the conclusion of
16 a hearing held under clause (iii)(I).

17 “(v) SETTLEMENT.—Prior to the date
18 of the issuance of a final order under
19 clause (iv), the proceedings under this sub-
20 paragraph may be terminated at any time
21 on the basis of a settlement agreement en-
22 tered into by the Secretary, the complain-
23 ant, and the person alleged to have com-
24 mitted the violation.

1 “(B) REQUIREMENT OF CORRECTIVE AC-
2 TION.—A final order issued under subpara-
3 graph (A)(iv) shall require corrective action, in
4 accordance with subparagraph (C), if the com-
5 plainant demonstrates that an employee action
6 or refusal described in subsection (a) or (b) was
7 a contributing factor in a personnel action that
8 was taken or is about to be taken against the
9 complainant, unless the person alleged to have
10 committed the violation demonstrates by clear
11 and convincing evidence that the same person-
12 nel action would have been taken in the absence
13 of the action or refusal of the complainant.

14 “(C) TYPES OF CORRECTIVE ACTION.—If,
15 in response to a complaint filed under para-
16 graph (1), the Secretary determines that a vio-
17 lation has occurred, the Secretary shall order
18 the person who committed the violation to—

19 “(i) take affirmative action to abate
20 the violation;

21 “(ii) reinstate the complainant to the
22 former position of the complainant, includ-
23 ing the compensation (including back pay),
24 terms, conditions, and privileges of the em-
25 ployment of the complainant; and

1 “(iii) pay compensatory damages to
2 the complainant.

3 “(D) PAYMENT OF COSTS AND EX-
4 PENSES.—In addition to ordering any of the
5 remedies referred to in subparagraph (C), if the
6 Secretary issues an order pursuant to such sub-
7 paragraph, the Secretary may, at the request of
8 the complainant, order the person who commit-
9 ted the violation to pay to the complainant an
10 amount equal to the aggregate amount of all
11 costs and expenses (including attorney’s fees)
12 reasonably incurred (as determined by the Sec-
13 retary) by the complainant for, or in connection
14 with, the bringing of the complaint with respect
15 to which the order was issued.

16 “(d) JUDICIAL ACTION.—

17 “(1) JUDICIAL REVIEW.—

18 “(A) IN GENERAL.—Not later than 60
19 days after the date of the issuance of an order
20 issued after a hearing held under subsection
21 (c)(2)(A)(iii)(I), a person adversely affected or
22 aggrieved by the order may file a petition for
23 review of the order in the United States Court
24 of Appeals for the circuit in which the violation,
25 with respect to which the order was issued, al-

1 legedly occurred, or the circuit in which the per-
2 son resided on the date of the alleged violation.
3 The court shall review the order in accordance
4 with chapter 7 of title 5, United States Code.

5 “(B) NO OTHER JUDICIAL REVIEW.—If re-
6 view of an order referred to in subparagraph
7 (A) is not obtained in accordance with this
8 paragraph, the order shall not be subject to ju-
9 dicial review.

10 “(2) ACTIONS TO ENFORCE ORDERS.—

11 “(A) IN GENERAL.—If a person fails to
12 comply with an order issued under subsection
13 (c)(2), the Secretary shall bring a civil action to
14 enforce the order in the district court of the
15 United States for the district in which the Sec-
16 retary found that the violation occurred. The
17 court shall hear and decide the action.

18 “(B) AUTHORITY OF COURT.—In an action
19 brought under this paragraph, the district court
20 shall have jurisdiction to grant all appropriate
21 relief, including injunctive relief, reinstatement,
22 and compensatory damages.”.

1 **SEC. 604. REPORTS TO CONGRESS.**

2 (a) CLEAN WATER REPORT.—Subsections (a) and
3 (b) of section 516 (33 U.S.C. 1375) are amended to read
4 as follows:

5 “(a) CLEAN WATER REPORT.—

6 “(1) IN GENERAL.—On January 1 of the year
7 following the date of enactment of subparagraph
8 (A), and every 2 years thereafter, the Administrator
9 shall submit to Congress a report on measures taken
10 toward the implementation of the goals and objec-
11 tives of this Act, including—

12 “(A) a summary of the results achieved in
13 the field of water pollution control research,
14 demonstrations, experiments, studies, and relat-
15 ed matters;

16 “(B) a summary of the status of tech-
17 nology-based water pollution controls;

18 “(C) a summary of the development of pol-
19 lutant criteria documents and the adoption of
20 water quality and sediment quality standards;

21 “(D) an assessment of progress in the de-
22 velopment of effluent limitations pursuant to
23 sections 301, 304, 306, and 307;

24 “(E) a description of State nonpoint
25 source pollution control programs;

1 “(F) a description and assessment of the
2 comprehensive watershed plans developed and
3 implemented pursuant to section 321;

4 “(G) a description of—

5 “(i) activities that are subject to a
6 permit under section 404; and

7 “(ii) other activities that may have an
8 impact on wetlands;

9 “(H) an assessment of progress made to-
10 ward achieving the goals established in section
11 101(a)(8);

12 “(I) an assessment of the progress made in
13 the identification of and development of pro-
14 grams for water quality problem areas, includ-
15 ing—

16 “(i) the national estuary program es-
17 tablished under section 320;

18 “(ii) the Great Lakes program estab-
19 lished under section 118;

20 “(iii) the Chesapeake Bay program es-
21 tablished under section 117; and

22 “(iv) other programs that the Admin-
23 istrator considers appropriate;

24 “(J) a description of alternative require-
25 ments for effluent discharges established under

1 section 301 or 307 (including any alternative
2 requirement established under section 301(b)(2)
3 or 307(b) on the basis of fundamentally dif-
4 ferent factors (as described in section 301(d));

5 “(K) a description of activities relating to
6 wastewater treatment operator training and
7 certification;

8 “(L) an assessment of State water pollu-
9 tion control programs (including an assessment
10 of the adequacy of State resources and the
11 timeliness of permit decisions and other actions
12 by the State authorized under this Act);

13 “(M)(i) an identification and assessment of
14 noncompliance with the enforceable require-
15 ments of this Act (including an assessment of
16 noncompliance by Federal facilities); and

17 “(ii) a description of all enforcement ac-
18 tions pending or completed under this Act dur-
19 ing the 2-year period immediately preceding the
20 date of the report;

21 “(N) an assessment of the implementation
22 of water quality projects, programs, and activi-
23 ties on Federal Indian reservations, including
24 the treatment of Indian tribes as States;

25 “(O) an assessment of—

1 “(i) the costs imposed on the States
2 and political subdivisions of the States
3 with respect to implementing and carrying
4 out programs pursuant to this Act; and

5 “(ii) the extent to which the costs re-
6 ferred to in clause (i) have been offset by
7 funds made available to the States and po-
8 litical subdivisions of the States pursuant
9 to funds made available by appropriations
10 authorized under this Act; and

11 “(P) recommendations concerning improve-
12 ments to the water quality programs authorized
13 by this Act.

14 “(2) CONSULTATION BY ADMINISTRATOR.—The
15 Administrator shall consult with appropriate officials
16 of other Federal agencies, State water pollution con-
17 trol agencies, and Indian tribes in the development
18 of the report required under this subsection.

19 “(b) WATER QUALITY INFRASTRUCTURE NEEDS
20 ASSESSMENT.—

21 “(1) IN GENERAL.—The Administrator shall
22 conduct a comprehensive assessment of the cost of
23 construction of facilities that are—

24 “(A) eligible to receive assistance under
25 title VI; and

1 “(B) needed to accomplish the water qual-
2 ity goals of this Act.

3 “(2) CONTENTS OF ASSESSMENT.—The assess-
4 ment under this subsection shall, at a minimum, de-
5 scribe—

6 “(A) on a national basis, and for each
7 State, the cost of construction for the rehabili-
8 tation, replacement, and upgrading of publicly
9 owned treatment works in existence during the
10 calendar year that is 2 years before the date of
11 the report, including an estimate of the portion
12 of the costs associated with meeting the en-
13 forceable requirements of this Act;

14 “(B) on a national basis, and for each
15 State, the cost of construction of expanded or
16 new publicly owned treatment works, including
17 an estimate of the portion of the costs associ-
18 ated with meeting the requirements of this Act;

19 “(C) the cost of implementing plans for
20 the elimination of combined stormwater and
21 sanitary sewer overflows developed pursuant to
22 section 406, including any additional treatment
23 needed to ensure compliance with water quality
24 standards;

1 “(D) the portion of the costs described in
2 subparagraphs (A), (B), and (C) associated
3 with treatment works serving fewer than 2,500
4 individuals;

5 “(E) the cost to Federal, State, and local
6 governments and other persons of the construc-
7 tion of measures to control nonpoint sources of
8 pollution implemented in accordance with pro-
9 grams developed pursuant to section 319;

10 “(F) the cost of construction of measures
11 and facilities required to comply with permits
12 for the control of municipal discharges of
13 stormwater;

14 “(G) the cost of implementation of con-
15 servation and management plans approved pur-
16 suant to section 320(f);

17 “(H) the cost of implementation of
18 Lakewide Management Plans and Remedial Ac-
19 tion Plans developed pursuant to section 118;

20 “(I) the cost of implementation of clean
21 lakes projects pursuant to section 314; and

22 “(J) the cost of implementation of water-
23 shed management plans approved by the Ad-
24 ministrator pursuant to section 321.

1 “(3) SUBMISSION OF ASSESSMENT.—Not later
2 than 2 years after the date of enactment of this
3 paragraph, and every 2 years thereafter, the Admin-
4 istrator shall submit the assessment required under
5 this subsection to Congress.”.

6 (b) ELIMINATION OF OTHER REPORTS.—

7 (1) GREAT LAKES.—Section 118(c) (33 U.S.C.
8 1268(c)) is amended—

9 (A) by striking paragraph (10); and

10 (B) by redesignating paragraph (11) as
11 paragraph (10).

12 (2) OPERATION OF PUBLICLY OWNED TREAT-
13 MENT WORKS.—Title II (33 U.S.C. 1281 et seq.) is
14 amended by striking section 210 and inserting “Sec-
15 tion 210. RESERVED.”.

16 (3) ALTERNATIVE DISCHARGE REQUIRE-
17 MENTS.—Section 301(n) (33 U.S.C. 1311(n)) is
18 amended by striking paragraph (8).

19 (4) CONDITION OF LAKES.—Section 314 (33
20 U.S.C. 1324) is amended—

21 (A) in subsection (a)—

22 (i) by striking paragraph (3); and

23 (ii) by redesignating paragraph (4) as
24 paragraph (3); and

25 (B) in subsection (d)—

- 1 (i) by striking paragraph (3); and
2 (ii) by redesignating paragraph (4) as
3 paragraph (3).

4 (5) FEDERAL PROCUREMENT.—Section 508 (33
5 U.S.C. 1368) is amended by striking subsection (e).

6 **SEC. 605. DEFINITIONS.**

7 (a) DEFINITION OF POINT SOURCE.—Section
8 502(14) (33 U.S.C. 1362(14)) is amended by adding at
9 the end the following new sentence: “The term shall in-
10 clude a landfill leachate collection system.”.

11 (b) CONFORMING AMENDMENT.—Section 507 of the
12 Water Quality Act of 1987 (33 U.S.C. 1362 note) is
13 repealed.

14 (c) PUBLICLY OWNED TREATMENT WORKS.—Sec-
15 tion 502 (33 U.S.C. 1362) is amended by adding at the
16 end the following new paragraph:

17 “(21) PUBLICLY OWNED TREATMENT WORKS.—
18 As used in titles I, III, and IV, and this title, the
19 term ‘publicly owned treatment works’ means a de-
20 vice or system used in the collection, storage, treat-
21 ment, recycling, or reclamation of municipal
22 wastewater (or a mixture of municipal wastewater
23 and industrial wastes of a liquid nature) with re-
24 spect to which all or part of the device or system—

1 “(A) was constructed and is owned or op-
2 erated by a State or municipality;

3 “(B) was constructed prior to the date of
4 enactment of this paragraph, owned, or oper-
5 ated by a State or municipality and the owner-
6 ship has been transferred (in whole or in part)
7 to a private entity; or

8 “(C) is owned or operated by a private en-
9 tity, is located at other than an industrial facil-
10 ity, and is designed and constructed principally
11 to treat domestic wastewater from residential
12 and commercial sources and, with respect to in-
13 dustrial wastes, is carrying out a pretreatment
14 program meeting all requirements established
15 under section 307 and paragraphs (8) and (9)
16 of section 402(b) for pretreatment programs
17 (whether or not the treatment works would be
18 required to implement a pretreatment program
19 pursuant to those sections).”.

20 **SEC. 606. INDIAN PROGRAMS.**

21 (a) SEWAGE TREATMENT.—

22 (1) REPORT OF SEWAGE TREATMENT NEEDS.—

23 Section 518(b) (33 U.S.C. 1377(b)) is amended—

24 (A) by striking “REPORT.—The” and in-
25 serting “REPORT.—

1 “(1) ASSESSMENT.—The”;

2 (B) by striking the second sentence; and

3 (C) by adding at the end the following new
4 paragraph:

5 “(2) REPORT.—Not later than 1 year after the
6 date of enactment of this paragraph and biennially
7 thereafter, the Administrator, in cooperation with
8 the Director of the Indian Health Service, shall as-
9 sess the need for sewage treatment works to serve
10 Indian tribes and report the findings of the assess-
11 ment to Congress.”.

12 (2) RESERVATION OF FUNDS.—Subsection (c)
13 of section 518 (33 U.S.C. 1377) is amended to read
14 as follows:

15 “(c) RESERVATION OF FUNDS.—

16 “(1) IN GENERAL.—The Administrator shall re-
17 serve each fiscal year, before making an allotment to
18 the States, 1 percent of the amounts appropriated
19 pursuant to section 607 for grants to Indian tribes
20 for the development of waste treatment management
21 plans and for the construction of sewage treatment
22 works.

23 “(2) GRANTS.—The Administrator shall provide
24 the funds reserved under this subsection directly to
25 Indian tribes and may make a grant in an amount

1 not to exceed 100 percent of the cost of a project
2 that is the subject of the grant.

3 “(3) PRIORITY.—In making a grant under this
4 subsection, the Administrator shall give priority to
5 projects that address the most significant public
6 health and environmental pollution problems, as de-
7 termined in the needs assessment conducted under
8 subsection (b)(2).

9 “(4) TECHNICAL ASSISTANCE.—The Adminis-
10 trator shall reserve not more than 2 percent of the
11 amounts reserved pursuant to paragraph (1) for
12 making a grant to 1 or more qualified not-for-profit
13 organizations to provide technical assistance to In-
14 dian tribes in the development of sewage treatment
15 plans and the effective operation of sewage treat-
16 ment works.”.

17 (b) NONPOINT POLLUTION CONTROL.—Section
18 518(f) (33 U.S.C. 1377(f)) is amended—

19 (1) in the second sentence, by striking “one-
20 third” and inserting “one-half”;

21 (2) in the third sentence, by striking “(d)” and
22 inserting “(e)”; and

23 (3) by adding at the end the following new sen-
24 tence: “Notwithstanding section 319(h)(3), the Ad-
25 ministrator may make a grant under this subsection

1 in an amount not to exceed 100 percent of the cost
2 of the project that is the subject of the grant.”.

3 (c) REVOLVING LOAN FUNDS.—

4 (1) IN GENERAL.—Section 603(c)(1) (33
5 U.S.C. 1383(c)(1)) is amended by inserting “Indian
6 tribe,” after “State agency”.

7 (2) CAPITALIZATION GRANT AGREEMENTS.—
8 Section 602(b)(9) (33 U.S.C. 1382(b)(9)) is amend-
9 ed by inserting before the semicolon at the end the
10 following: “, except that, in the case of assistance to
11 an Indian tribe, the State shall follow administrative
12 guidelines established pursuant to section 606(g)”.

13 (3) ADMINISTRATIVE GUIDELINES.—Section
14 606 (33 U.S.C. 1386) is amended by adding at the
15 end the following new subsection:

16 “(g) ADMINISTRATIVE GUIDELINES FOR ASSISTANCE
17 TO INDIAN TRIBES.—Not later than 18 months after the
18 date of enactment of this subsection, the Administrator
19 shall, after consultation with Indian tribes and the States,
20 by regulation establish administrative procedures with re-
21 spect to assistance provided by States to Indian tribes
22 under this title. The administrative procedures shall iden-
23 tify the financial and related information pertaining to an
24 Indian tribe that is the minimum information necessary
25 to ensure proper management of State loan funds and

1 shall preclude States from requiring the submission of ad-
2 ditional information.”.

3 (d) TREATMENT AS STATES.—Section 518(e) (33
4 U.S.C. 1377(e)) is amended—

5 (1) in the first sentence—

6 (A) by inserting “321,” after “319,”; and

7 (B) by striking “and 404” and inserting
8 “404, 405, and 601”; and

9 (2) by striking the second and third sentences.

10 (e) DISCHARGE PERMITS ON RESERVATIONS.—Sec-
11 tion 402(a) (33 U.S.C. 1342(a)), as amended by section
12 502(e), is further amended by adding at the end the fol-
13 lowing new paragraph:

14 “(7) DISCHARGE PERMITS ON RESERVA-
15 TIONS.—

16 “(A) IN GENERAL.—The Administrator
17 shall issue a permit pursuant to this subsection
18 for discharges to navigable waters on a Federal
19 Indian reservation, unless the Indian tribe is
20 treated as a State pursuant to section 518(e)
21 and has been delegated authority to issue per-
22 mits pursuant to subsection (b).

23 “(B) LIMITATIONS.—In issuing permits
24 pursuant to this paragraph, the Administrator
25 shall ensure that, in addition to the other re-

1 quirements of this subsection, the discharge will
2 not—

3 “(i) prevent the protection and propa-
4 gation of a balanced, indigenous population
5 of fish, shellfish, wildlife, and other biota
6 or recreation in and on the waters; or

7 “(ii) cause a violation of such alter-
8 native water quality criteria and standards
9 as may be established by the Administrator
10 with the concurrence of the tribe.

11 “(C) DELEGATION.—The authority of the
12 Administrator to issue permits pursuant to this
13 paragraph may not be delegated to a State pur-
14 suant to subsection (b) unless the authority is
15 delegated to an Indian tribe that is treated as
16 a State under section 518(e).

17 “(D) DURATION.—Any permit for a dis-
18 charge to waters on a Federal Indian reserva-
19 tion issued by a State pursuant to subsection
20 (b) shall remain in effect until the date of expi-
21 ration of the permit or the date that is 2 years
22 after the date of enactment of this paragraph,
23 whichever is later.”.

1 **SEC. 607. CLEAN WATER EDUCATION.**

2 (a) IN GENERAL.—Title V (33 U.S.C. 1361 et seq.)
3 is amended—

4 (1) by redesignating section 519 as section 520;
5 and

6 (2) by inserting after section 518 the following
7 new section:

8 “CLEAN WATER EDUCATION

9 “SEC. 519. The Administrator, in consultation with
10 the Chief Executive Officer appointed pursuant to section
11 193 of the National and Community Service Act of 1990
12 (42 U.S.C. 12651c), shall establish a national program of
13 education and information to increase public awareness
14 concerning water quality. The Administrator, in coopera-
15 tion with the States, shall foster and provide guidance for
16 volunteer citizen programs for the assessment, oversight,
17 and protection of individual waters. The Administrator
18 shall implement a program to provide official recognition
19 of the Federal Government to industrial organizations, po-
20 litical subdivisions of States, and volunteer citizen pro-
21 grams that have demonstrated an outstanding commit-
22 ment to the prevention and control of water pollution.”.

23 (b) TECHNICAL CORRECTIONS.—Section 501 (33
24 U.S.C. 1361) is amended—

25 (1) by striking subsection (e); and

1 (2) by redesignating subsection (f) as sub-
2 section (e).

3 **SEC. 608. ARID WEST WATER QUALITY.**

4 (a) ARID WEST WATER QUALITY RESEARCH.—Sec-
5 tion 104 (33 U.S.C. 1254) is amended by adding at the
6 end the following new subsection:

7 “(v) ARID WEST WATER QUALITY RESEARCH.—

8 “(1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this subsection, the Admin-
10 istrator shall establish an Arid West Water Quality
11 Research Project. The project shall—

12 “(A) be located at the environmental mon-
13 itoring laboratory of the Environmental Protec-
14 tion Agency in Las Vegas, Nevada;

15 “(B) develop data for water quality criteria
16 documents for species and environments appro-
17 priate for ephemeral and effluent-dependent
18 streams, especially in the arid West; and

19 “(C) conduct such additional research as
20 the Administrator, in consultation with the
21 Board established pursuant to paragraph (2),
22 determines to be appropriate.

23 “(2) ARID WEST WATER QUALITY RESEARCH
24 BOARD.—

1 “(A) IN GENERAL.—Not later than 1 year
2 after the date of enactment of this subsection,
3 the Administrator shall establish a research
4 board to be known as the ‘Arid West Water
5 Quality Research Board’ (referred to in this
6 subsection as the ‘Board’) to advise the Admin-
7 istrator in the development of research con-
8 ducted pursuant to this subsection.

9 “(B) COMPOSITION OF BOARD.—The
10 Board shall be chaired by a representative of
11 the Administrator and shall include 2 individ-
12 uals from each of the following categories, ap-
13 pointed by the Administrator:

14 “(i) Representatives of State regu-
15 latory agencies of States in the arid West.

16 “(ii) Representatives of the university
17 research community located in States re-
18 ferred to in clause (i).

19 “(iii) Representatives of wastewater
20 agencies located in States referred to in
21 clause (i).

22 “(iv) Representatives of water agen-
23 cies located in States referred to in clause
24 (i).

1 “(v) Representatives of industries lo-
2 cated in States referred to in clause (i).

3 “(vi) Representatives of environmental
4 organizations located in States referred to
5 in clause (i).

6 “(C) TERMS.—The Administrator shall de-
7 termine the term served by each member of the
8 Board.

9 “(3) PROPOSALS.—Any interested party may
10 submit to the Board a proposal to conduct research
11 at the facility. On the recommendation of the Board,
12 the Administrator may provide funding for the pro-
13 posal to the extent funding is available.

14 “(4) AUTHORIZATION OF APPROPRIATIONS.—
15 There are authorized to be appropriated to the Ad-
16 ministrator such sums as may be necessary to carry
17 out this subsection.

18 “(5) DEFINITION.—As used in this subsection,
19 the term ‘arid West’ has the same meaning as is
20 provided the term in section 126(e)(1).”.

21 (b) EPHEMERAL AND EFFLUENT-DEPENDENT
22 STREAMS.—Title I (33 U.S.C. 1251 et seq.), as amended
23 by section 403, is further amended by adding at the end
24 the following new section:

1 “EPHEMERAL AND EFFLUENT-DEPENDENT STREAMS

2 “SEC. 122. (a) DEVELOPMENT OF REVISED WATER
3 QUALITY CRITERIA FOR EPHEMERAL AND EFFLUENT-
4 DEPENDENT STREAMS.—

5 “(1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this section, the Ad-
7 ministrator shall convene a working group, consist-
8 ing of representatives of the industrial community,
9 environmental organizations, the governments of
10 States and political subdivisions of States, and water
11 and wastewater agencies. The working group shall
12 include representatives of the arid West and the En-
13 vironmental Protection Agency.

14 “(2) RECOMMENDATIONS OF WORKING
15 GROUP.—

16 “(A) METHODOLOGY.—The working group
17 shall recommend revisions to the methodology
18 used by the Administrator to develop water
19 quality criteria to include criteria appropriate
20 for ephemeral and effluent-dependent streams.
21 The recommendations shall include a prioritized
22 list of water quality criteria that need to be de-
23 veloped or revised.

24 “(B) OTHER RECOMMENDATIONS.—The
25 working group shall make recommendations for

1 additional scientific research and any other in-
2 formation or guidance that the working group
3 determines to be needed for the development of
4 criteria for water quality that can be appro-
5 priately adapted by States to reflect special re-
6 gional and site-specific characteristics, espe-
7 cially with respect to the arid West.

8 “(3) REVISION OF METHODOLOGY.—

9 “(A) IN GENERAL.—Not later than 18
10 months after the date of enactment of this sub-
11 section, the Administrator shall revise the meth-
12 odology used to develop water quality standards
13 for ephemeral and effluent-dependent streams
14 in accordance with the recommendations of the
15 working group convened pursuant to paragraph
16 (1) and shall publish the revised methodology in
17 the Federal Register.

18 “(B) CRITERIA DOCUMENTS.—

19 “(i) IN GENERAL.—Not later than 3
20 years after the date of enactment of this
21 section, and annually thereafter, the Ad-
22 ministrator shall develop and publish at
23 least 2 criteria documents addressing
24 ephemeral and effluent-dependent streams
25 in accordance with the revised methodology

1 established pursuant to subparagraph (A)
2 until such time as each of the criteria on
3 the prioritized list established in paragraph
4 (2)(A) is published.

5 “(ii) CONTENTS OF DOCUMENTS.—
6 The documents published pursuant to
7 clause (i) shall reflect accurate and rel-
8 evant scientific data and, at a minimum,
9 include—

10 “(I) a description of the types of
11 waterbodies to which the criteria may
12 appropriately be applied; and

13 “(II) guidance concerning meth-
14 ods, including mathematical formulas,
15 that may be used by a State to modify
16 the criteria to account for unique eco-
17 logical, hydrological, physical, or bio-
18 logical conditions that may be associ-
19 ated with the types of waters covered
20 by the criteria documents, especially
21 in the arid West.

22 “(4) GUIDANCE.—On receipt of the rec-
23 ommendations from the working group convened
24 pursuant to paragraph (1), the Administrator shall
25 provide guidance concerning scientific methods for

1 conducting supporting studies to create
2 subclassifications of attainable uses and to establish
3 site-specific or regional water quality criteria appro-
4 priate to protect the uses.

5 “(b) PROMOTION OF USE OF RECLAIMED WATER.—

6 “(1) IN GENERAL.—The Administrator shall
7 promote the environmentally beneficial use of re-
8 claimed water and the development of appropriate
9 water quality criteria and water quality standards
10 for ephemeral and effluent-dependent streams, espe-
11 cially in the arid West—

12 “(A) that have a limited ability to develop
13 and maintain traditional water resources; and

14 “(B) with respect to which the discharge of
15 reclaimed water to otherwise arid or semiarid
16 environments, such as ephemeral watercourses,
17 can also support limited aquatic and riparian
18 habitat that would not otherwise exist.

19 “(2) STATE STANDARD.—If a State adopts or
20 reviews water quality standards pursuant to section
21 303, the State may consider, in addition to other
22 factors referred to in such section, the need for al-
23 lowing the discharge of reclaimed water to navigable
24 water to promote the beneficial use of reclaimed
25 water in the arid West. In addition, the State may

1 also take into consideration, and reflect in the stand-
2 ards—

3 “(A) the use and value of reclaimed water
4 for public water supplies, including the extent
5 to which the beneficial reuse of reclaimed water
6 resources will augment the traditional water
7 supply of the State and reduce demands on
8 other environmentally sensitive water resources;

9 “(B) the natural conditions that influence
10 water quality in the area that is the subject of
11 the standards, including extremes of tempera-
12 ture, water flow, turbidity, mineralization, salin-
13 ity, and flooding; and

14 “(C) whether the discharge of reclaimed
15 water will result in a net environmental benefit
16 to the watershed of the water that is the sub-
17 ject of the standards.

18 “(c) CONSTRUCTED WATER CONVEYANCES.—

19 “(1) IN GENERAL.—If a State adopts or re-
20 views water quality standards for constructed water
21 conveyance systems, the standards may consider—

22 “(A) the then existing and planned uses of
23 water transported in a conveyance system;

24 “(B) the ability to return water to natural
25 water systems or navigable waters;

1 “(C) human-caused conditions necessary to
2 maintain the functionality of a conveyance sys-
3 tem; and

4 “(D) State or regional water resource
5 management and water conservation plans.

6 “(2) USES.—A State is not required to impose
7 aquatic, wildlife, and fish consumption uses for con-
8 structed water conveyance systems if the uses are
9 not existing and foreseeable uses.

10 “(d) INTERIM WATER QUALITY STANDARDS FOR
11 EPHEMERAL AND EFFLUENT-DEPENDENT STREAMS.—

12 “(1) IN GENERAL.—If an ephemeral or efflu-
13 ent-dependent stream is not attaining, and cannot
14 reasonably be expected to attain, the current des-
15 ignated use of the stream because of natural, ephem-
16 eral, intermittent, or low flow conditions or water
17 levels, a State may establish an alternative use for
18 ephemeral and effluent-dependent streams. Each al-
19 ternative use established pursuant to this section
20 shall ensure full protection of public health, existing
21 uses, and all existing and designated uses of down-
22 stream waters.

23 “(2) REVISED OR NEW WATER QUALITY CRI-
24 TERIA.—

1 “(A) IN GENERAL.—For each ephemeral
2 and effluent-dependent stream with respect to
3 which—

4 “(i) a State adopts an alternative use
5 designation in accordance with paragraph
6 (1); and

7 “(ii) ephemeral and effluent-depend-
8 ent water quality criteria have not been de-
9 veloped pursuant to subsection (c),
10 a State may adopt revised or new interim water
11 quality criteria.

12 “(B) CONTENT OF CRITERIA.—The revised
13 or new water quality criteria adopted pursuant
14 to subparagraph (A) shall be based on—

15 “(i) then existing criteria for ephem-
16 eral and effluent-dependent streams;

17 “(ii) applicable acute aquatic life cri-
18 teria established by the State; or

19 “(iii) any criteria specifically devel-
20 oped by the State to protect an alternative
21 use designation.

22 “(C) MODIFICATIONS.—In adopting or re-
23 vising water quality criteria for ephemeral and
24 effluent-dependent streams pursuant to this
25 subsection, a State shall make such modifica-

1 tions to the then existing water quality criteria
2 as are appropriate to ensure that the criteria—

3 “(i) support any applicable alternative
4 use designation referred to in paragraph
5 (1); and

6 “(ii) reflect regional or site-specific
7 characteristics.

8 “(3) APPROVAL BY ADMINISTRATOR.—If a
9 State adopts new or revised water quality standards
10 for ephemeral and effluent-dependent streams pursu-
11 ant to this subsection, the Administrator shall review
12 and approve the standards if the Administrator finds
13 that the standards meet the requirements of this
14 Act.

15 “(4) SITE SPECIFIC OR REGIONAL SCIENTIFIC
16 STUDY PLAN.—If a State submits criteria that, on
17 a scientific basis, are consistent with the guidance
18 issued pursuant to subsection (a)(4), the criteria
19 shall be deemed to have satisfied the requirements of
20 section 131.6(f) of title 40, Code of Federal Regula-
21 tions.

22 “(e) DEFINITIONS.—As used in this section:

23 “(1) ARID WEST.—The term ‘arid West’ means
24 an area in the western portion of the United States

1 that typically receives less than 15 inches of rain on
2 an annual basis.

3 “(2) CONSTRUCTED WATER CONVEYANCE.—
4 The term ‘constructed water conveyance’ means a
5 man-made lined canal or other man-made water
6 transport system constructed for the purpose of
7 transporting water in a waterway that is not and
8 never was a natural waterway.

9 “(3) EFFLUENT-DEPENDENT STREAM.—The
10 term ‘effluent-dependent stream’ means a stream—

11 “(A) with respect to which the flow (based
12 on the annual average expected flow, deter-
13 mined by calculating the average mode over a
14 10-year period) is primarily attributable to the
15 discharge of treated wastewater;

16 “(B) that, in the absence of a discharge re-
17 ferred to in subparagraph (A) and other pri-
18 mary anthropogenic surface or subsurface
19 flows, would be considered an ephemeral
20 stream; and

21 “(C) that would be considered an effluent-
22 dependent stream in accordance with applicable
23 State water quality standards.

1 “(4) EPHEMERAL STREAM.—The term ‘ephem-
2 eral stream’ means a stream that has a channel
3 that—

4 “(A) is at all times above the permanent
5 water table; and

6 “(B) flows periodically in response to pre-
7 cipitation, snowmelt, or runoff.”.

8 (c) BENEFICIAL REUSE GOAL.—Section 101 (33
9 U.S.C. 1251), as amended by section 303(a)(2), is further
10 amended by adding at the end the following new sub-
11 section:

12 “(i) BENEFICIAL REUSE GOAL.—It is the policy of
13 Congress to promote the environmentally beneficial reuse
14 of water, especially for States in the arid and semiarid
15 regions of the United States, to the fullest extent prac-
16 ticable in a manner consistent with State law and the
17 goals and requirements of this Act.”.

18 **SEC. 609. OCEAN DISCHARGE AND WASTEWATER RECLAMA-**
19 **TION.**

20 Section 301(j) (33 U.S.C 1311(j)) is amended—

21 (1) in paragraph (1)(A), by inserting before the
22 semicolon at the end the following: “, and except as
23 provided in paragraph (5)”;

24 (2) by adding at the end the following new
25 paragraph:

1 “(5) EXTENSION OF APPLICATION DEADLINE.—

2 A municipality referred to in section 510(g) of the
3 Water Quality Act of 1987 (Public Law 100–4; 101
4 Stat. 81) may apply for a modification pursuant to
5 subsection (h) not later than 180 days after the date
6 of enactment of the Water Pollution Prevention and
7 Control Act of 1994. An application from a munici-
8 pality under this paragraph shall include a commit-
9 ment to implement a wastewater reclamation pro-
10 gram that, at a minimum, will result in a reduction
11 in the quantity of suspended solids discharged into
12 the marine environment during the 5-year period of
13 the modification. The Administrator shall announce
14 a preliminary decision on an application submitted
15 under the preceding sentence not later than 1 year
16 after the application is submitted.”.

17 **SEC. 610. ENVIRONMENTAL EDUCATION CHALLENGE**
18 **GRANT PROGRAM.**

19 Title V (33 U.S.C. 1361 et seq.), as amended by sec-
20 tion 607(a), is further amended—

21 (1) by redesignating section 520 as section 521; and

22 (2) by inserting after section 519 the following new
23 section:

1 “ENVIRONMENTAL EDUCATION CHALLENGE GRANT
2 PROGRAM

3 “SEC. 520. (a) IN GENERAL.—The Secretary of the
4 Army, acting through the Chief of Engineers of the Army
5 Corps of Engineers (referred to in this section as the ‘Sec-
6 retary’), shall establish a grant program to provide assist-
7 ance to States and political subdivisions of States for the
8 development and construction of environmental education
9 facilities pursuant to this section. Each facility referred
10 to in the preceding sentence shall be used to enhance pub-
11 lic awareness of the importance of aquatic, marine, and
12 other natural resources and serve as a clearinghouse for
13 the transfer of information concerning aquatic, marine,
14 and other natural resources to policy makers and the gen-
15 eral public.

16 “(b) USE OF GRANTS; GRANT AMOUNT.—

17 “(1) IN GENERAL.—A grant awarded pursuant
18 to this section may be used only for—

19 “(A) constructing, enlarging, or otherwise
20 improving a building or exhibit (or both) associ-
21 ated with an environmental education facility
22 that is owned by the grant recipient; and

23 “(B) if applicable, any additional cost de-
24 scribed in paragraph (2).

25 “(2) ADDITIONAL COSTS.—

1 “(A) IN GENERAL.—If a recipient of a
2 grant awarded pursuant to this section dem-
3 onstrates, to the satisfaction of the Secretary,
4 that a cost described in subparagraph (B) is
5 necessary to ensure the development or con-
6 struction of an environmental education facility,
7 the recipient may use the grant award to cover
8 the additional cost.

9 “(B) ELIGIBLE ADDITIONAL COSTS.—Sub-
10 ject to subparagraph (A), a grant recipient may
11 use a grant award to cover reasonable fees and
12 costs associated with—

13 “(i) conducting an archaeological sur-
14 vey;

15 “(ii) conducting a salvage or other
16 mitigation measure;

17 “(iii) carrying out a planning activity;

18 “(iv) establishing or acquiring a prop-
19 erty right (including acquiring an interest
20 in land, a water right, or a right-of-way);
21 or

22 “(v) obtaining other evidence of legal
23 control over land or water.

24 “(3) LIMITATIONS.—A grant awarded pursuant
25 to this section may not be used to pay—

1 “(A) a finder’s fee; or

2 “(B) any annual recurring cost (including
3 a cost for a purchase or rental) that the Sec-
4 retary determines is generally considered to be
5 an operating or maintenance expense.

6 “(4) FEDERAL SHARE; AMOUNT.—

7 “(A) FEDERAL SHARE.—The Federal
8 share of a grant awarded pursuant to this sec-
9 tion may not exceed the lesser of—

10 “(i) 33 percent of the cost of the
11 project that is the subject of the grant
12 award; or

13 “(ii) \$10,000,000.

14 “(B) NON-FEDERAL SHARE.—A grant
15 awarded pursuant to this section shall be
16 awarded on the condition that the grant recipi-
17 ent pay (or ensure the payment of) a non-Fed-
18 eral share in an amount equal to—

19 “(i) the cost of the project that is the
20 subject of the grant award; minus

21 “(ii) the amount of the Federal share
22 paid pursuant to subparagraph (A).

23 “(c) GRANT APPLICATION; APPROVAL.—

24 “(1) APPLICATION.—

1 “(A) IN GENERAL.—An application for a
2 grant under this section shall be in such form,
3 and submitted in such manner, as the Secretary
4 determines appropriate. The Secretary shall re-
5 view each completed application as soon as
6 practicable after the date of submission of the
7 application.

8 “(B) CONTENTS.—Each application sub-
9 mitted pursuant to this subsection shall include,
10 in sufficient detail for review by the Sec-
11 retary—

12 “(i) plans for, specifications for, and
13 estimates of the cost of, the project that is
14 the subject of the application; and

15 “(ii) assurances that the applicant has
16 secured sufficient financial commitments to
17 carry out the project to pay the non-Fed-
18 eral share of the project required under
19 subsection (b)(4)(B).

20 “(2) APPROVAL.—If, after reviewing an applica-
21 tion submitted pursuant to this subsection, the Sec-
22 retary determines that a project described in the ap-
23 plication meets the requirements of this section, and
24 otherwise meets the requirements of this Act, the
25 Secretary may approve the application.

1 “(d) PAYMENT OF GRANT AWARD.—

2 “(1) IN GENERAL.—The Secretary shall make
3 periodic payments of a grant awarded pursuant to
4 this section to the recipient of the grant.

5 “(2) SCHEDULE.—The payments shall be made
6 in accordance with a schedule that the Secretary
7 shall establish to ensure that the amount of each of
8 the periodic payments does not exceed an amount
9 equal to the Federal share of the costs incurred by
10 the grant recipient during the payment period (in-
11 cluding the costs of construction and the costs of
12 construction materials).

13 “(3) FINAL PAYMENT.—On completion of the
14 project that is the subject of the grant, the Sec-
15 retary shall review the costs associated with the
16 project, and make a final payment to the grant re-
17 cipient in an amount equal to the remaining amount
18 of the grant (if any).

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated such sums as are nec-
21 essary to carry out this section for each of fiscal years
22 1995 through 1999.”.

23 **SEC. 611. LAND ACQUISITION.**

24 (a) CONSIDERATION OF ACQUISITION.—Each plan
25 prepared by a State, local, or other non-Federal entity

1 under section 118, 314, 319, 320, or 321 of the Federal
2 Water Pollution Control Act (33 U.S.C. 1251 et seq.) shall
3 evaluate the acquisition of lands or an interest in lands
4 as a means of meeting the goals of the plans in a timely
5 manner. If the acquisition of lands or an interest in lands
6 is found to be an effective and appropriate means for im-
7 plementing a plan, the plan shall include programs to pro-
8 vide State, local, private, or other non-Federal funding of
9 the acquisitions.

10 (b) LIMITATIONS ON USE OF FUNDS.—

11 (1) IN GENERAL.—Funding authorized by the
12 Federal Water Pollution Control Act (33 U.S.C.
13 1251 et seq.) for the implementation of the plans re-
14 ferred to in subsection (a) may be used for the ac-
15 quisition of lands or interests in lands if—

16 (A) the lands or interests in lands are ac-
17 quired from willing sellers and held in perpetu-
18 ity in public ownership; and

19 (B) the relevant plan approved by the Ad-
20 ministrator includes an evaluation of the effec-
21 tiveness and appropriateness of the acquisition
22 of lands or an interest in lands and finds the
23 acquisition to be effective and appropriate.

24 (2) PREFERENCE.—In considering requests for
25 funding the acquisition of lands or interests in lands

1 under this section, the Administrator shall give pref-
2 erence to requests in which Federal funds will be
3 matched by the State, the entity responsible for im-
4 plementing a plan, or any other non-Federal entity.

5 (3) OWNERSHIP.—All lands and interests in
6 lands acquired under this section shall be held by a
7 public entity authorized by the Governor of the State
8 in which the lands are located. In no case may the
9 Administrator of the Environmental Protection
10 Agency or the head of any other Federal agency hold
11 any lands or interest in lands acquired under this
12 section.

13 (c) USE OF LANDS.—Lands acquired pursuant to
14 this section shall be made available for public recreational
15 purposes to the extent possible considering the environ-
16 mental sensitivity and suitability of the lands, unless the
17 recreational activities would be incompatible with the pur-
18 poses for which the lands were acquired.

19 (d) EFFECT ON OTHER LAW.—Nothing in this sec-
20 tion revises, suspends, or abrogates any applicable require-
21 ment of the Federal Water Pollution Control Act (33
22 U.S.C. 1251 et seq.).

23 **SEC. 612. ENVIRONMENTAL FINANCE.**

24 (a) ENVIRONMENTAL FINANCIAL ADVISORY
25 BOARD.—

1 (1) IN GENERAL.—The Administrator of the
2 Environmental Protection Agency (referred to in
3 this section as the “Administrator”) shall establish
4 an Environmental Financial Advisory Board to pro-
5 vide expert advice on issues affecting the costs and
6 financing of environmental activities at the Federal,
7 State, and local level. The Board shall report to the
8 Administrator, and shall make its services and ex-
9 pertise available to the appropriate committees of
10 Congress.

11 (2) MEMBERSHIP.—The Board shall consist of
12 thirty-five members selected by the Administrator.
13 The members of the Board shall each serve for a
14 term of two years, except that twenty of the mem-
15 bers initially appointed to the Board shall serve for
16 a term of one year. The members of the Board shall
17 be persons with expertise in financial matters and
18 shall be chosen from among elected officials, na-
19 tional trade and environmental organizations, the fi-
20 nance, banking, and legal communities, business and
21 industry, and academia. The members of the Board
22 shall elect a Chair and Vice Chair, who shall each
23 serve a term of two years.

1 (3) DUTIES.—After establishing appropriate
2 rules and procedures for the operations of the
3 Board, the Board shall—

4 (A) work with the Science Advisory Board
5 of the Environmental Protection Agency to
6 identify and develop methods to integrate risk
7 and finance considerations into environmental
8 decisionmaking;

9 (B) identify and examine strategies to en-
10 hance environmental protection in urban areas,
11 reduce disproportionate risk facing urban com-
12 munities, and promote economic revitalization
13 and environmentally sustainable development;

14 (C) develop and recommend initiatives to
15 expand opportunities for the export of United
16 States financial services and environmental
17 technologies;

18 (D) develop alternative financing mecha-
19 nisms to assist State and local governments in
20 paying for environmental programs;

21 (E) develop alternative financing mecha-
22 nisms and strategies to meet the unique needs
23 of small and economically disadvantaged com-
24 munities; and

1 (F) undertake such other activities as the
2 Board determines will further the purposes of
3 this Act.

4 (4) RECOMMENDATIONS.—The Board may rec-
5 ommend to the Administrator and to the Congress
6 legislative and policy initiatives to make financing
7 for environmental protection more available and less
8 costly.

9 (5) PUBLIC INPUT.—The Board shall hold open
10 meetings and seek input from the public and other
11 interested parties in accordance with the Federal
12 Advisory Committee Act (5 U.S.C. App.), and shall
13 otherwise be subject to such Act.

14 (b) ENVIRONMENTAL FINANCE CENTERS.—The Ad-
15 ministrator shall establish and support Environmental Fi-
16 nance Centers in each of the ten Federal regions. These
17 centers shall coordinate their activities with the Board,
18 and are authorized to—

19 (1) provide on- and off-site training of State
20 and local officials;

21 (2) publish newsletters, course materials, pro-
22 ceedings, and other publications relating to financing
23 of environmental infrastructure;

1 (3) initiate and conduct conferences, seminars,
2 and advisory panels on specific finance issues relat-
3 ing to environmental programs and projects;

4 (4) establish electronic database and contact
5 services to disseminate information to public entities
6 on financing alternatives for State and local environ-
7 mental programs;

8 (5) generate case studies and special reports;

9 (6) develop inventories and surveys of financial
10 issues and needs of State and local governments;

11 (7) identify financial programs, initiatives, and
12 alternative financing mechanisms for training
13 purposes;

14 (8) hold public meetings on finance issues; and

15 (9) collaborate with one another on projects and
16 exchange information.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) ENVIRONMENTAL FINANCIAL ADVISORY
19 BOARD.—There is authorized to be appropriated the
20 sum of \$1,000,000 for each of the fiscal years 1995,
21 1996, 1997, 1998, 1999, and 2000 to carry out sub-
22 section (a).

23 (2) ENVIRONMENTAL FINANCE CENTERS.—
24 There is authorized to be appropriated the sum of
25 \$2,500,000 for each of the fiscal years 1995, 1996,

1 1997, 1998, 1999, and 2000 for the Environmental
2 Finance Center program established pursuant to this
3 section. The Administrator is authorized to grant
4 such funds to institutions of higher learning to carry
5 out the provisions of subsection (b).

6 **SEC. 613. CLEAN LAKES.**

7 (a) LAKE WATER QUALITY RESEARCH.—Subsection
8 (h) of section 104 (33 U.S.C. 1254(h)) is amended to read
9 as follows:

10 “(h) LAKE WATER QUALITY RESEARCH.—

11 “(1) IN GENERAL.—In carrying out subsection
12 (a), the Administrator shall conduct a comprehensive
13 research program concerning the lakes of the United
14 States.

15 “(2) COMPONENTS.—The research program
16 provided for in this subsection shall, at a mini-
17 mum—

18 “(A) develop improved methods for the
19 monitoring and assessment of lake conditions
20 and water quality;

21 “(B) improve knowledge of lake processes,
22 including watershed assessments and the recy-
23 cling of pollutants from sediments to water;

24 “(C) investigate the nature and extent of
25 variation in pollutant effects on lakes as op-

1 posed to other aquatic systems, and character-
2 ize the degree to which lakes may be especially
3 vulnerable to pollution;

4 “(D) identify and assess methods and
5 practices to control sources of pollution to
6 lakes, including watershed management tech-
7 niques and practices; and

8 “(E) assess the threat to lake quality
9 posed by aquatic vegetation and develop and
10 demonstrate methods to control excessive vege-
11 tation in lakes and prevent the distribution of
12 nuisance aquatic vegetation throughout the
13 United States.

14 “(3) CONTRACTS AND GRANTS.—In carrying
15 out this subsection, the Administrator may enter
16 into contracts with, or make grants to, public or pri-
17 vate agencies and organizations.

18 “(4) LAKE RESEARCH ADVISORY COMMITTEE.—

19 “(A) APPOINTMENT.—The Administrator
20 shall appoint an advisory committee to be
21 known as the ‘Lake Research Advisory Commit-
22 tee’ (referred to in this paragraph as the ‘Com-
23 mittee’) to advise the Administrator concerning
24 the design and implementation of the research
25 program required by this subsection.

1 “(B) COMPOSITION.—The Committee shall
2 be composed of not more than 12 members with
3 substantial expertise and experience in lake re-
4 search. Not more than 3 members of the Com-
5 mittee shall be employees of the Federal Gov-
6 ernment. Not fewer than 3 members shall be
7 employees of State environmental agencies.

8 “(C) TERMS.—Each Committee member
9 shall serve for a term of 2 years, except that
10 the Administrator shall initially appoint 4 mem-
11 bers who shall each serve for a term of 3 years
12 and 4 members who shall each serve for a term
13 of 4 years. Each member may be reappointed to
14 1 additional term.”.

15 (b) LAKE WATER QUALITY STANDARDS.—

16 (1) LAKE DESIGNATIONS.—Section 314 (33
17 U.S.C. 1324) is amended by adding at the end the
18 following new subsection:

19 “(e) LAKE USE DESIGNATIONS.—Not later than 5
20 years after the date of enactment of this subsection, each
21 State shall designate, pursuant to section 303, the use of
22 each publicly owned lake in the State in a manner consist-
23 ent with the following uses:

24 “(1) Public drinking water supply.

1 “(2) Swimming and related body contact recre-
2 ation.

3 “(3) Resource protection, to ensure the protec-
4 tion and propagation of a balanced, indigenous pop-
5 ulation of fish and wildlife.

6 “(4) Other uses identified by the State.”.

7 (2) LAKE WATER QUALITY CRITERIA.—Section
8 304(a) (33 U.S.C. 1314(a)), as amended by section
9 202(a)(8), is further amended by adding at the end
10 the following new paragraph:

11 “(13) LAKE WATER QUALITY CRITERIA.—

12 “(A) IN GENERAL.—Not later than 3 years
13 after the date of enactment of this paragraph
14 and periodically thereafter, the Administrator
15 shall publish pursuant to this subsection water
16 quality criteria for freshwater lakes, including,
17 at a minimum—

18 “(i) total phosphorus;

19 “(ii) chlorophyll a; and

20 “(iii) transparency.

21 The criteria documents published pursuant to
22 this paragraph shall address the factors identi-
23 fied in paragraph (1) and shall identify numeri-
24 cal concentrations that, in the judgment of the
25 Administrator, are appropriate to ensure the

1 maintenance and attainment of each use des-
2 ignated pursuant to section 303 or 314(e).

3 “(B) LAKE WATER QUALITY GUIDANCE.—
4 Not later than 18 months after the date of en-
5 actment of this paragraph, the Administrator
6 shall publish guidance to assist States in the
7 adoption of lake water quality standards for
8 contaminants for which criteria documents have
9 been published pursuant to this subsection. The
10 guidance shall supplement criteria in existence
11 on the date of publication of the guidance to
12 the extent necessary to ensure that States have
13 adequate information to support the adoption of
14 numerical lake water quality standards for each
15 parameter referred to in subparagraph (A) that
16 will ensure the attainment and maintenance of
17 each use designated pursuant to section 303 or
18 314(e).

19 “(C) NEW WATER QUALITY CRITERIA.—
20 Beginning on the date of enactment of this
21 paragraph, any criteria document published
22 pursuant to this subsection shall include such
23 information as the Administrator determines is
24 appropriate to assist States in the adoption of
25 numerical lake water quality standards for the

1 pollutant that is the subject of the document
2 that will ensure the attainment and mainte-
3 nance of each use designated pursuant to sec-
4 tion 303 or 314(e).”.

5 (3) LAKE WATER QUALITY STANDARDS.—Sec-
6 tion 303(a) (33 U.S.C. 1313), as amended by sec-
7 tion 202(b)(4)(C), is further amended by adding at
8 the end the following new paragraph:

9 “(8) LAKE WATER QUALITY STANDARDS.—

10 “(A) IN GENERAL.—Not later than 3 years
11 after the date of publication of water quality
12 criteria pursuant to section 304(a), each State
13 shall establish for each publicly owned lake in
14 the State numerical standards for the criteria.

15 “(B) WAIVER.—

16 “(i) IN GENERAL.—Except as pro-
17 vided in clause (ii), the Administrator may
18 waive the requirement to adopt a standard
19 for the criteria published pursuant to sec-
20 tion 304(a) if the State demonstrates that
21 there is no impairment to lake water qual-
22 ity associated with the parameter that is
23 the subject of the standard in the State.

24 “(ii) EXCEPTION.—The Administrator
25 may not waive the requirement to adopt a

1 standard for a pollutant listed pursuant to
2 section 304(a)(12)(A).

3 “(C) FAILURE TO ADOPT STANDARDS.—If
4 a State fails to adopt lake water quality stand-
5 ards pursuant to this paragraph, the criteria
6 published pursuant to section 304(a)(12) shall
7 be the State water quality standard for each
8 lake, regardless of use designation, unless and
9 until the State adopts, and the Administrator
10 approves, a revised standard in accordance with
11 this section.”.

12 (c) LAKE WATER QUALITY PROGRAM SUPPORT.—

13 (1) CONFORMING AMENDMENTS.—Section
14 314(a)(1) (33 U.S.C. 1324(a)(1)) is amended—

15 (A) in the matter preceding subparagraph
16 (A), by striking “on a biennial basis”;

17 (B) by striking subparagraphs (B) through
18 (D); and

19 (C) by redesignating subparagraphs (E)
20 and (F) as subparagraphs (B) and (C), respec-
21 tively.

22 (2) CLEAN LAKES PROGRAM SUPPORT.—Sub-
23 section (b) of section 314 (33 U.S.C. 1324(b)) is
24 amended to read as follows:

25 “(b) STATE CLEAN LAKES PROGRAM.—

1 “(1) IN GENERAL.—A State may submit to the
2 Administrator an application for a grant, and the
3 Administrator may make a grant, to—

4 “(A) conduct a program to protect the
5 quality of lakes throughout the State;

6 “(B) develop a plan for the control of pol-
7 lution to a specific lake or group of lakes in the
8 State; or

9 “(C) implement a plan developed pursuant
10 to subparagraph (B).

11 “(2) LAKE QUALITY PROTECTION PROGRAMS.—
12 The Administrator may make a grant pursuant to
13 paragraph (1)(A) if the grant is for a statewide pro-
14 gram—

15 “(A) to improve public information and
16 education concerning lake protection;

17 “(B) to develop State or local requirements
18 concerning lake protection, including lake qual-
19 ity standards;

20 “(C) to develop lake assessment and mon-
21 itoring information; or

22 “(D) to carry out a combination of the ac-
23 tivities described in subparagraphs (A) through
24 (C).

1 “(3) POLLUTION CONTROL PLANS.—The Ad-
2 ministrators may make a grant pursuant to para-
3 graph (1)(B) if the grant is for—

4 “(A) the development of a lake protection
5 plan (including an assessment of lake condi-
6 tions);

7 “(B) the identification of pollution sources
8 with respect to a lake;

9 “(C) the development of a plan or program
10 for pollution control; or

11 “(D) carrying out a combination of the ac-
12 tivities described in subparagraphs (A) through
13 (C).

14 “(4) APPROVAL.—

15 “(A) IN GENERAL.—The Administrator
16 shall approve any lake protection plan developed
17 pursuant to paragraph (3) on the basis of a
18 finding that the plan meets the goals and re-
19 quirements of this Act.

20 “(B) ELIGIBILITY FOR ASSISTANCE.—Any
21 plan approved pursuant to this paragraph shall
22 be considered to be an approved watershed plan
23 pursuant to section 321 and shall, notwith-
24 standing section 603(c)(2)(B), be eligible for
25 assistance pursuant to title VI.

1 “(4) COST SHARE.—Each grant made pursuant
2 to subparagraph (A) or (B) of paragraph (1) shall
3 be made on the condition that 25 percent of the cost
4 of the project that is the subject of the grant is pro-
5 vided from non-Federal sources. Each grant made
6 pursuant to paragraph (1)(C) shall be made on the
7 condition that 50 percent of the cost of the project
8 that is the subject of the grant is provided from non-
9 Federal sources and that the non-Federal contribu-
10 tion may be assessed beginning on the date of sub-
11 mittal of the application to the Administrator.

12 “(5) PRIORITIZATION OF PROPOSALS.—

13 “(A) LAKE QUALITY PROTECTION PRO-
14 GRAMS.—In awarding grants pursuant to para-
15 graph (1)(A), the Administrator shall give pri-
16 ority to proposals with the greatest potential to
17 improve or protect lake water quality and to
18 proposals that will support the development of
19 long-term, sustained lake protection programs
20 in a State.

21 “(B) POLLUTION CONTROL PLANS.—In
22 awarding grants pursuant to paragraph (1)(B),
23 the Administrator shall give priority to—

24 “(i) projects concerning lakes that are
25 listed pursuant to subsection (a)(1)(B);

1 “(ii) projects concerning lakes that
2 are a source of public water supply; and

3 “(iii) projects that will develop an in-
4 novative pollution control method or prac-
5 tice with potential application to other
6 lakes.

7 “(C) PLAN IMPLEMENTATION.—Grants
8 made pursuant to paragraph (1)(C) shall be
9 limited to projects concerning lakes for which a
10 control program has been developed pursuant to
11 paragraph (3).

12 “(6) ELIGIBILITY REQUIREMENT.—A State
13 that has not complied with the requirements of sub-
14 section (a) for the most recent report period or sec-
15 tion 303(i) shall not be eligible for grants made pur-
16 suant to this subsection.”.

17 (3) AUTHORIZATION OF APPROPRIATIONS.—
18 Section 314(c) (33 U.S.C. 1324(c)) is amended—

19 (A) by striking “(c)(1)” and all that
20 follows through “(2) There” and inserting the
21 following:

22 “(c) AUTHORIZATION OF APPROPRIATIONS.—There”;

23 (B) in the first sentence—

24 (i) by striking “and” after “1985,”;

1 (ii) by inserting after “1990” the fol-
2 lowing: “, and \$50,000,000 for each of fis-
3 cal years 1991 through 2000,”; and

4 (iii) by striking “subsection (b) of”;
5 and

6 (C) by striking the last sentence.

7 (d) DEMONSTRATION PROGRAM.—

8 (1) PROGRAM REVISIONS.—Section 314(d)(1)
9 (33 U.S.C. 1324(d)(1)) is amended—

10 (A) in subparagraph (C), by adding “and”
11 at the end;

12 (B) in subparagraph (D), by striking the
13 semicolon at the end and inserting a period;
14 and

15 (C) by striking subparagraphs (E) through
16 (G).

17 (2) DEMONSTRATION PROJECTS.—Section
18 314(d)(2) (33 U.S.C. 1324(d)(2)) is amended by in-
19 serting after “Sauk Lake, Minnesota,” the following:
20 “China Lake, Maine; Flathead Lake, Montana; Can-
21 dlewood Lake, Connecticut;”.

22 (3) AUTHORIZATION OF APPROPRIATIONS.—
23 Section 314(d) (33 U.S.C. 1324(d)), as amended by
24 section 604(b)(4)(B)(ii), is further amended by
25 striking paragraph (3).

1 (e) ASSESSMENT OF PHOSPHATES IN DETER-
2 GENTS.—

3 (1) IN GENERAL.—Not later than 4 years after
4 the date of enactment of this Act, the Administrator
5 shall carry out a study of phosphates in detergent
6 products and submit to Congress a report describing
7 the results of the study.

8 (2) CONTENTS OF STUDY.—The study required
9 under paragraph (1) shall include—

10 (A) an assessment of the quantity of phos-
11 phates in detergent products and the past and
12 future trends in the quantities of phosphates in
13 detergent products;

14 (B) an evaluation of the environmental
15 benefits of reduced levels of phosphates in de-
16 tergent products;

17 (C) an assessment of possible operational
18 and capital cost savings at publicly owned sew-
19 age treatment works that would result from
20 reduced levels of phosphates in detergent
21 products;

22 (D) an assessment of the availability of
23 substitutes for phosphates in dishwashing and
24 commercial and industrial detergent products,
25 including the degree to which substitutes are

1 comparable to phosphate-based products in
2 terms of cost and effectiveness; and

3 (E) recommendations that the Adminis-
4 trator determines are appropriate regarding
5 phosphates or phosphate substitutes in deter-
6 gent products.

7 (f) CLEAN LAKES EDUCATION.—Section 314 (33
8 U.S.C. 1324), as amended by subsection (b)(1), is further
9 amended by adding at the end the following new sub-
10 section:

11 “(f) CLEAN LAKES EDUCATION.—

12 “(1) IN GENERAL.—The Administrator shall
13 develop and carry out a national program to educate
14 the public concerning lake quality and lake pollution
15 problems and to foster public involvement in lake as-
16 sessment and protection programs.

17 “(2) LAKE WATCH PROGRAM.—

18 “(A) ESTABLISHMENT.—Not later than 18
19 months after the date of enactment of this sub-
20 section, the Administrator shall, by regulation,
21 establish a program, to be known as the ‘Lake
22 Watch Program’ (referred to in this paragraph
23 as the ‘Program’), to encourage nonprofit citi-
24 zens groups to engage in lake assessment and
25 protection activities.

1 “(B) CONTENTS OF REGULATIONS.—The
2 regulations issued pursuant to subparagraph
3 (A) shall establish—

4 “(i) a process for identifying citizens
5 groups interested in participating in the
6 Program;

7 “(ii) a national registry of—

8 “(I) citizens groups participating
9 in the Program; and

10 “(II) lakes with respect to which
11 the groups engage in assessment and
12 protection activities;

13 “(iii) minimum conditions to be met
14 by a citizens group that participates in the
15 Program, including—

16 “(I) minimum monitoring of lake
17 quality;

18 “(II) periodic reports of lake pro-
19 tection activities;

20 “(III) the identification of the
21 watershed area of each lake with re-
22 spect to which the group engages in
23 assessment and protection activities;
24 and

1 “(IV) periodic renewal of partici-
2 pation; and

3 “(iv) a process for approval of the
4 participation of a group in the Program.

5 “(C) INFORMATIONAL PUBLICATION.—The
6 Administrator shall publish periodically an in-
7 formational publication on lake assessment and
8 protection for citizens groups participating in
9 the Program.

10 “(D) LAKE WATCH AWARD.—The Adminis-
11 trator shall provide an annual award, to be
12 known as the ‘Lake Watch Award’, to 1 of the
13 citizens groups participating in the Program in
14 each State that has demonstrated an outstand-
15 ing commitment to lake assessment and protec-
16 tion.

17 “(E) PROGRAM COORDINATION.—

18 “(i) IN GENERAL.—The Administrator
19 shall inform each citizens group participat-
20 ing in the Program of pollution control ac-
21 tivities within the watershed area of each
22 lake with respect to which the group en-
23 gages in assessment and protection activi-
24 ties, including—

1 “(I) the award of grant assist-
2 ance pursuant to this section;

3 “(II) the initiation of an enforce-
4 ment action pursuant to section 309;

5 “(III) the award of an incentive
6 or demonstration grant pursuant to
7 section 319;

8 “(IV) the issuance of a permit
9 pursuant to section 402; and

10 “(V) the award of a loan or other
11 assistance pursuant to title VI.

12 “(ii) DELEGATION OF AUTHORITY.—
13 The Administrator may delegate the au-
14 thority to carry out this subparagraph to a
15 State.”.

16 (g) NUISANCE AQUATIC VEGETATION CONTROL.—

17 (1) CONTROL PROGRAM.—Subtitle C of the
18 Nonindigenous Aquatic Nuisance Prevention and
19 Control Act of 1990 (16 U.S.C. 4721 et seq.) is
20 amended by adding at the end the following new
21 section:

22 **“SEC. 1210. EURASIAN MILFOIL CONTROL.**

23 “(a) IN GENERAL.—In coordination with regional,
24 State, and local entities, the Task Force shall undertake
25 a comprehensive and environmentally sound program to

1 prevent the dissemination of Eurasian Milfoil
2 (*Myriophyllum spicatum*), including—

3 “(1) research and development concerning the
4 species, including environmental tolerances and im-
5 pacts on water quality, fisheries, and other eco-
6 system components;

7 “(2) the identification and assessment of mech-
8 anisms and means of limiting the dissemination of
9 the species to areas not infested as of the date of
10 enactment of this section;

11 “(3) the development of plans and the imple-
12 mentation of programs to prevent the dissemination
13 of the species; and

14 “(4) the provision of technical assistance to
15 regional, State, and local entities to carry out this
16 section.

17 “(b) REPORT.—Not later than 2 years after the date
18 of enactment of this section, the Task Force shall submit
19 to Congress a report that describes the implementation of
20 this section and makes recommendations regarding addi-
21 tional authorities or support necessary for the control of
22 the dissemination of Eurasian Milfoil.”.

23 (2) INJURIOUS SPECIES.—Section 42(a)(1) of
24 title 18, United States Code, is amended by insert-
25 ing “of the Eurasian Milfoil of the species

1 Myriophyllum spicatum;” before “of the zebra
2 mussel”.

3 (3) AUTHORIZATION OF APPROPRIATIONS.—
4 Section 1301(b) of the Nonindigenous Aquatic Nui-
5 sance Prevention and Control Act of 1990 (16
6 U.S.C. 4741(b)) is amended—

7 (A) in paragraph (6), by striking “and” at
8 the end;

9 (B) in paragraph (7), by striking the pe-
10 riod at the end and inserting “; and”; and

11 (C) by adding at the end the following new
12 paragraph:

13 “(8) \$1,000,000 to carry out section 1210.”.

14 (h) CONFORMING AMENDMENT.—Section 606(c) (33
15 U.S.C. 1386(c)) is amended by striking paragraph (1) and
16 inserting the following new paragraph:

17 “(1) a list of projects and activities eligible for
18 assistance pursuant to section 603(c)(1);”.

19 **SEC. 614. LABOR STANDARDS.**

20 (a) IN GENERAL.—Section 513 (33 U.S.C. 1372) is
21 amended to read as follows:

22 “LABOR STANDARDS

23 “The Administrator shall take such action as may be
24 necessary to ensure that each laborer or mechanic em-
25 ployed by a contractor or subcontractor of a project that
26 is financed in whole or in part by a grant, loan, loan guar-

1 antee, refinancing, or any other form of financial assist-
 2 ance provided under this Act (including assistance pro-
 3 vided by a State from a water pollution revolving loan fund
 4 established by a State pursuant to title VI) shall be paid
 5 wages at rates that are not less than the prevailing rates
 6 for projects of a similar character in the locality of the
 7 project that is financed under this Act, as determined by
 8 the Secretary of Labor in accordance with the Act of
 9 March 3, 1931 (commonly known as the ‘Davis-Bacon
 10 Act’) (40 U.S.C. 276a et seq.). With respect to the labor
 11 standards specified in this section, the Secretary of Labor
 12 shall have the authority established in the Reorganization
 13 Plan Numbered 14 of 1950, published at 15 Federal Reg-
 14 ister 3176, and section 2 of the Act of June 13, 1934
 15 (48 Stat. 948, chapter 482, 40 U.S.C. 276c).’.

16 (b) CONFORMING AMENDMENTS.—Section 602(b)
 17 (33 U.S.C. 1382(b)) is amended—

18 (1) in paragraph (6), by striking “511(c)(1),
 19 and 513” and inserting “and 511(c)(1)”;

20 (2) by striking “and” at the end of paragraph
 21 (9);

22 (3) by striking the period at the end of para-
 23 graph (10) and inserting “; and”; and

24 (4) by adding at the end the following new
 25 paragraph:

1 “(11) the State will meet the requirements of
2 section 513.”.

3 **SEC. 615. CONSULTATION WITH OTHER AGENCIES.**

4 Section 501 (33 U.S.C. 1361), as amended by section
5 607(b)(2), is further amended by adding at the end the
6 following new subsection:

7 “(f) CONSULTATION WITH OTHER AGENCIES.—Not-
8 withstanding any other provision of this Act, the Adminis-
9 trator shall consult with any Federal agency having juris-
10 diction over food processing activities prior to the promul-
11 gation of any requirements for an effluent guideline, new
12 source performance standard, pretreatment standard,
13 process change, or use restriction which will affect food
14 processing activities to ensure that such effluent guideline,
15 pretreatment standard, process change, or use restriction
16 will not adversely affect food safety, or the integrity and
17 wholesomeness of a food product. In the event that the
18 Federal agency with jurisdiction over food processing ac-
19 tivities determines that such a requirement proposed for
20 adoption by the Administrator may adversely affect food
21 safety or the integrity and wholesomeness of a food prod-
22 uct, the Administrator shall publish, as a part of any final
23 or interim rule, the rationale of the Administrator for not
24 adopting changes or modifications proposed by the agency
25 with jurisdiction over food processing.”.

1 **SEC. 616. OPERATOR TRAINING AND CERTIFICATION.**

2 (a) OPERATOR TRAINING.—Section 109 (33 U.S.C.
3 1259) is amended to read as follows:

4 “OPERATOR TRAINING

5 “SEC. 109. (a) NATIONAL PROGRAM.—

6 “(1) IN GENERAL.—The Administrator shall
7 develop and implement a national program to train
8 individuals in the operation of municipal and indus-
9 trial wastewater treatment works and other facilities
10 with a water pollution control purpose.

11 “(2) REQUIREMENTS FOR TRAINING PRO-
12 GRAM.—The training program developed by the Ad-
13 ministrator under this section shall include—

14 “(A) the preparation of undergraduate stu-
15 dents enrolled in institutions of higher edu-
16 cation to enter an occupation that involves the
17 design, operation, and maintenance of
18 wastewater treatment works;

19 “(B) inservice training to improve and ad-
20 vance the knowledge and skills of individuals
21 employed in fields related to the design, oper-
22 ation, and maintenance of wastewater treat-
23 ment works; and

24 “(C) preservice training to be provided to
25 high school graduates who are not employed to
26 carry out the operation and maintenance of a

1 wastewater treatment works at the time the
2 training is provided.

3 “(b) TRAINING PROGRAM GRANTS.—

4 “(1) IN GENERAL.—The Administrator shall
5 make grants to, or offer to enter into contracts with,
6 the appropriate officials of institutions of higher
7 education, or combinations of the institutions, and
8 State agencies to support the development and im-
9 plementation of wastewater treatment training pro-
10 grams pursuant to this section.

11 “(2) GUIDANCE.—Not later than 1 year after
12 the date of enactment of paragraph (5), the Admin-
13 istrator shall publish guidance that specifies the
14 minimum elements of the wastewater training pro-
15 grams referred to in paragraph (1). The guidance
16 shall indicate the relative emphasis that shall be
17 given to—

18 “(A) facility design, operation, and mainte-
19 nance;

20 “(B) undergraduate, inservice, and
21 preservice training; and

22 “(C) training for industrial and municipal
23 facilities.

24 “(3) SOLICITATION OF PROPOSALS.—Not later
25 than 18 months after the date of enactment of para-

1 graph (5), the Administrator shall solicit proposals
2 from institutions of higher education, or combina-
3 tions of the institutions, and State agencies to pro-
4 vide training services.

5 “(4) TRAINING GRANTS.—The Administrator
6 shall, to the extent adequate funds are available,
7 award training grants to institutions of higher edu-
8 cation, or combinations of the institutions, and State
9 agencies for each fiscal year.

10 “(5) CONSIDERATIONS FOR AWARDING
11 GRANTS.—In awarding a training grant under this
12 subsection, the Administrator shall consider—

13 “(A) the demonstrated capability of the
14 applicant to provide training services;

15 “(B) the degree to which the proposed pro-
16 gram is consistent with the guidance published
17 pursuant to paragraph (2);

18 “(C) the results of any evaluation con-
19 ducted pursuant to paragraph (6); and

20 “(D) the degree to which the geographic
21 area to be served by the program that is the
22 subject of the grant proposal will, in combina-
23 tion with other programs funded pursuant to
24 this section, ensure the reasonable availability

1 of training programs throughout the United
2 States.

3 “(6) REVIEW AND EVALUATION.—The Adminis-
4 trator shall provide for the review and evaluation of
5 each training program that receives funding pursu-
6 ant to this section not later than 3 years after the
7 program initially receives the funding, and every 3
8 years thereafter.”.

9 (b) OPERATOR CERTIFICATION.—

10 (1) IN GENERAL.—Section 110 (33 U.S.C.
11 1260) is amended to read as follows:

12 “OPERATOR CERTIFICATION

13 “SEC. 110. (a) IN GENERAL.—

14 “(1) CERTIFICATION.—The chief operator of a
15 publicly owned treatment works that has a permit is-
16 sued pursuant to section 402, and such additional
17 personnel as may be designated by a State, shall be
18 certified as proficient pursuant to this section by the
19 State in accordance with this section.

20 “(2) EFFECTIVE DATE.—The requirement re-
21 ferred to in paragraph (1) shall become effective on
22 the date that is 4 years after the date of enactment
23 of paragraph (4), unless the State extends the effec-
24 tive date pursuant to paragraph (3).

25 “(3) EXTENSION.—The State may extend the
26 effective date of the requirement referred to in para-

graph (1) for a period of not to exceed 3 years on a facility-specific basis if the State determines that, with respect to a facility, adequate opportunity to seek certification did not exist during the period described in paragraph (2).

“(4) CERTIFICATION GRANTED TO INDIVIDUAL.—Each certification of proficiency issued by the appropriate official of a State under this section shall be granted to the individual that receives the certification and shall not be granted to the treatment works where the individual is employed.

“(b) GUIDELINES.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of subsection (c), the Administrator shall publish guidelines for the certification of operators by a State pursuant to this section that may be used by the States in establishing certification programs under this section.

“(2) REQUIREMENTS FOR GUIDELINES.—

“(A) IN GENERAL.—The guidelines described in paragraph (1) shall specify, for a chief operator of a publicly owned treatment works, essential skills and knowledge for the chief operator to carry out the duties of the chief operator in a proficient manner and may

1 include guidance with respect to the frequency
2 of recertification.

3 “(B) TREATMENT WORKS OPERATOR’S
4 MANUAL.—Not later than 1 year after the date
5 of enactment of subsection (c), the Adminis-
6 trator shall publish a treatment works opera-
7 tor’s manual that describes essential knowledge
8 and skills of—

9 “(i) a chief operator; and

10 “(ii) such additional personnel as the
11 Administrator determines to be appro-
12 priate to receive operator proficiency cer-
13 tification.

14 “(c) FEDERAL PROGRAM.—If a State does not have
15 in effect a permit program that has been approved by the
16 Administrator under section 402, the Administrator shall
17 carry out an operator certification program for the State
18 in a manner that meets the requirements for a program
19 carried out by a State under this section.”.

20 (2) ENFORCEMENT.—Section 309(g)(1)(A) (33
21 U.S.C. 1319(g)(1)(A)) is further amended by insert-
22 ing “110(a),” after “violated section”.

23 (3) REQUIREMENTS FOR STATE PERMIT PRO-
24 GRAMS.—Section 402(b) (33 U.S.C. 1342(b)), as

1 amended by section 502(a)(1), is further amended
2 by adding at the end the following new paragraph:
3 “(12) To carry out an operator certification program
4 pursuant to section 110.”.

5 (c) SCHOLARSHIPS.—

6 (1) RELATIONSHIP TO TRAINING GRANT PRO-
7 GRAM.—Section 111(3) (33 U.S.C. 1261(3)) is
8 amended by striking subparagraph (C) and inserting
9 the following new subparagraph:

10 “(C) that the institution is participating in, or
11 has participated in, the training grant program
12 under section 109(b); and”.

13 (2) REPRESENTATION OF MINORITIES AND
14 WOMEN.—Section 111(3)(D) (33 U.S.C.
15 1261(3)(D)) is amended—

16 (A) by striking “and” at the end of clause
17 (i); and

18 (B) by inserting before the period the fol-
19 lowing: “, and (iii) the institution will make
20 reasonable efforts to ensure representation of
21 minorities and women in the program”.

22 (d) DEFINITIONS AND AUTHORIZATIONS.—Section
23 112 (33 U.S.C. 1262) is amended—

24 (1) in subsection (a)(1), by inserting after the
25 first sentence the following new sentence: “The term

1 shall include any community college, technical col-
2 lege, or State environmental agency.”;

3 (2) by striking subsection (b) and inserting the
4 following new subsection:

5 “(b) REPORT.—The Administrator shall, not later
6 than 2 years after the date of enactment of the Water
7 Pollution Prevention and Control Act of 1994, and not
8 less frequently than every 2 years thereafter, submit a re-
9 port to Congress concerning the implementation of train-
10 ing, certification, and scholarship programs under sections
11 109, 110, and 111.”; and

12 (3) in subsection (c)—

13 (A) by striking “(c) There” and inserting
14 the following:

15 “(c) AUTHORIZATIONS.—

16 “(1) IN GENERAL.—There”; and

17 (B) by adding at the end the following new
18 paragraph:

19 “(2) TRAINING AND SCHOLARSHIPS.—There
20 are authorized to be appropriated to the Environ-
21 mental Protection Agency to carry out sections 109
22 and 111, \$15,000,000 for each of fiscal years 1995
23 through 2000.”.

1 **SEC. 617. LIMITATION ON FUNDING.**

2 Title V (33 U.S.C. 1361 et seq.), as amended by sec-
3 tion 610, is further amended—

4 (1) by redesignating section 521 as section 522;
5 and

6 (2) by inserting after section 520 the following
7 new section:

8 “LIMITATION ON FUNDING

9 “SEC. 521. Nothing in this Act shall authorize pro-
10 viding Federal funds to any nongovernmental organization
11 or entity for the purpose of identifying violations of section
12 404 on private lands.”.

13 **SEC. 618. TECHNICAL AMENDMENTS TO SECTION HEAD-**
14 **INGS.**

15 (a) The section heading and subsection designation
16 of subsection (a) of section 118 (33 U.S.C. 1268) are
17 amended to read as follows:

18 “GREAT LAKES

19 “SEC. 118. (a)”.

20 (b) The section heading and subsection designation
21 of subsection (a) of section 320 (33 U.S.C. 1330) are
22 amended to read as follows:

23 “NATIONAL ESTUARY PROGRAM

24 “SEC. 320. (a)”.

1 (c) The section heading and subsection designation
2 of subsection (a) of section 518 (33 U.S.C. 1377) are
3 amended to read as follows:

4 “INDIAN TRIBES

5 “SEC. 518. (a)”.

6 (d) The section heading and subsection designation
7 of subsection (a) of section 601 (33 U.S.C. 1381) are
8 amended to read as follows:

9 “GRANTS TO STATES FOR ESTABLISHMENT OF
10 REVOLVING FUNDS

11 “SEC. 601. (a)”.

12 (e) The section heading and subsection designation
13 of subsection (a) of section 602 (33 U.S.C. 1382) are
14 amended to read as follows:

15 “CAPITALIZATION GRANT AGREEMENTS

16 “SEC. 602. (a)”.

17 (f) The section heading and subsection designation
18 of subsection (a) of section 603 (33 U.S.C. 1383) are
19 amended to read as follows:

20 “WATER POLLUTION CONTROL REVOLVING LOAN FUNDS

21 “SEC. 603. (a)”.

22 (g) The section heading and subsection designation
23 of subsection (a) of section 604 (33 U.S.C. 1384) are
24 amended to read as follows:

25 “ALLOTMENT OF FUNDS

26 “SEC. 604. (a)”.

1 (h) The section heading and subsection designation
 2 of subsection (a) of section 605 (33 U.S.C. 1385) are
 3 amended to read as follows:

4 “CORRECTIVE ACTION

5 “SEC. 605. (a)”.

6 (i) The section heading and subsection designation of
 7 subsection (a) of section 606 (33 U.S.C. 1386) are amend-
 8 ed to read as follows:

9 “AUDITS, REPORTS, AND FISCAL CONTROLS; INTENDED
 10 USE PLAN

11 “SEC. 606. (a)”.

12 (j)(1) The section heading of section 607 (33 U.S.C.
 13 1387) is amended to read as follows:

14 “AUTHORIZATION OF APPROPRIATIONS

15 (2) Section 607 is further amended by inserting be-
 16 fore “(a) IN GENERAL” the following: “SEC. 607.”.

17 **TITLE VII—WETLANDS**

18 **SEC. 701. DECLARATION OF POLICIES AND GOALS.**

19 (a) NO NET LOSS OF WETLANDS.—Section 101(a)
 20 (33 U.S.C. 1251(a)) is amended—

21 (1) by striking “and” at the end of paragraph
 22 (6);

23 (2) by striking the period at the end of para-
 24 graph (7) and inserting “; and”; and

25 (3) by adding at the end the following new
 26 paragraph:

1 “(8) it is the national policy to achieve, through
2 regulatory and nonregulatory strategies involving all
3 levels of government—

4 “(A) the conservation and restoration of
5 wetlands to increase the quality and quantity of
6 the wetlands resource base of the United
7 States; and

8 “(B) no overall net loss of the remaining
9 wetlands resource base of the United States.”.

10 (b) PROTECTION OF PRIVATE PROPERTY.—Section
11 404 (33 U.S.C. 1344) is amended by adding at the end
12 the following new subsection:

13 “(u) PROTECTION OF PRIVATE PROPERTY.—In car-
14 rying out this Act, the Administrator and the Secretary
15 of the Army shall not take private property for public use,
16 without just compensation.”.

17 **SEC. 702. DEFINITION AND DELINEATION OF WETLANDS.**

18 (a) DEFINITIONS.—Section 502 (33 U.S.C. 1362), as
19 amended by section 605(c), is further amended—

20 (1) in paragraph (7), by inserting “, and in-
21 cluding wetlands” before the period; and

22 (2) by adding at the end the following new
23 paragraph:

24 “(22) WETLANDS.—The term ‘wetlands’ means
25 those areas that are inundated or saturated by sur-

1 face or ground water at a frequency and duration
2 sufficient to support, and that under normal cir-
3 cumstances do support, a prevalence of vegetation
4 typically adapted for life in saturated soil conditions.
5 The term generally includes swamps, marshes, bogs,
6 fens, potholes, playa lakes, vernal pools, and similar
7 areas.”.

8 (b) DELINEATION OF WETLANDS.—

9 (1) REVISIONS TO DELINEATION PROCE-
10 DURES.—

11 (A) IN GENERAL.—After the date of enact-
12 ment of this Act, no revisions to or clarifica-
13 tions of the guidelines for identifying and delin-
14 eating wetlands areas under section 404(a) of
15 the Federal Water Pollution Control Act (33
16 U.S.C. 1344(a)) shall be issued until the Na-
17 tional Academy of Sciences has completed the
18 study of wetlands authorized by the Depart-
19 ments of Veterans Affairs and Housing and
20 Urban Development, and Independent Agencies
21 Appropriations Act, 1993 (Public Law 102-
22 389).

23 (B) REVISIONS.—On completion of the
24 study required under subparagraph (A), the
25 Administrator of the Environmental Protection

1 Agency shall review the results of the study to
2 determine whether any revisions to the guide-
3 lines referred to in subparagraph (A) are nec-
4 essary. Any revision to the guidelines shall be
5 made in accordance with section 404(a)(2) of
6 such Act (as added by paragraph (3)(C)).

7 (2) CONTINUED USE OF 1987 MANUAL.—

8 (A) IN GENERAL.—Until the guidelines for
9 identifying and delineating wetlands areas are
10 issued pursuant to section 404(a) of the Fed-
11 eral Water Pollution Control Act (33 U.S.C.
12 1344(a)), the Secretary of the Army, acting
13 through the Chief of Engineers, and the Admin-
14 istrator of the Environmental Protection Agen-
15 cy shall use the Corps of Engineers Wetlands
16 Delineation Manual issued in January 1987
17 (Technical Report Y-87-1) and implementing
18 guidelines to identify and delineate the wetlands
19 areas.

20 (B) AGRICULTURAL LANDS.—

21 (i) IN GENERAL.—Wetlands located
22 on agricultural lands and associated non-
23 agricultural lands shall be delineated by
24 the Secretary of Agriculture in accordance
25 with the memorandum of agreement dated

1 January 6, 1994, concerning the delineation of wetlands for the purposes of section
2 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) and subtitle C
3 of title XII of the Food Security Act of
4 1985 (16 U.S.C. 3821 et seq.) entered into
5 by the Secretary of Agriculture, the Administrator of the Environmental Protection
6 Agency, the Secretary of the Interior,
7 and the Secretary of the Army.

11 (ii) RANGELANDS.—The Secretary of
12 Agriculture, in coordination with the Secretary of the Army or the Administrator of
13 the Environmental Protection Agency, as
14 appropriate, and in consultation with the
15 Secretary of the Interior, shall delineate
16 wetlands on rangelands. In delineating
17 wetlands on rangelands, the Secretary of
18 Agriculture shall use the guidelines issued
19 under section 404(a)(2) of the Federal
20 Water Pollution Control Act (33 U.S.C.
21 1344(a)(2)). Until the guidelines are issued,
22 the Secretary of Agriculture shall use
23 the Corps of Engineers Wetlands Delineation
24 Manual issued in January 1987
25

1 (Technical Report Y-87-1) and imple-
2 menting guidelines to delineate wetlands
3 on rangelands.

4 (3) DELINEATION GUIDELINES; ISSUANCE OF
5 PERMITS.—Section 404(a) (33 U.S.C. 1344(a)) is
6 amended—

7 (A) by striking “(a) The Secretary” and
8 inserting the following:

9 “(a) IN GENERAL.—

10 “(1) ISSUANCE OF PERMITS.—The Secretary”;

11 (B) by adding at the end of paragraph (1)
12 (as so designated) the following new sentence:
13 “The Secretary shall request from the applicant
14 any additional information to complete the ap-
15 plication not later than 60 days after the Sec-
16 retary receives the application.”; and

17 (C) by adding at the end the following new
18 paragraph:

19 “(2) WETLANDS DELINEATION GUIDELINES.—
20 The Administrator, in consultation with the Sec-
21 retary, the Secretary of Agriculture, and the Sec-
22 retary of the Interior, after field testing and notice
23 and opportunity for public review and comment, may
24 issue guidelines to identify and delineate wetlands
25 areas. The guidelines shall—

1 “(A) be developed in consultation with the
2 States;

3 “(B) be based on the best available sci-
4 entific information, including the results of the
5 National Academy of Sciences study of wet-
6 lands authorized by the Departments of Veter-
7 ans Affairs and Housing and Urban Develop-
8 ment, and Independent Agencies Appropriations
9 Act, 1993 (Public Law 102–389); and

10 “(C) take into account regional variations
11 in hydrology, soils, and vegetation.”.

12 (4) DELINEATION TRAINING AND OUTREACH.—

13 (A) TRAINING OF WETLANDS DELINEA-
14 TORS.—

15 (i) IN GENERAL.—The Secretary of
16 the Army, in cooperation with the Admin-
17 istrator of the Environmental Protection
18 Agency, the Secretary of Agriculture, and
19 the Secretary of the Interior, shall offer
20 training to Federal employees engaged in
21 the identification and delineation of wet-
22 lands pursuant to section 404(a) of the
23 Federal Water Pollution Control Act and
24 subtitle C of title XII of the Food Security
25 Act of 1985 (16 U.S.C. 3821 et seq.). The

1 training shall also be offered, to the extent
2 practicable, to employees of State and local
3 governments and private consultants en-
4 gaged in the identification and delineation
5 of wetlands.

6 (ii) REQUIREMENT FOR FEDERAL EM-
7 PLOYEES.—All Federal employees engaged
8 in the delineation of wetlands shall be
9 trained pursuant to this paragraph not
10 later than December 31, 1996. After De-
11 cember 31, 1996, any Federal employee
12 shall be trained pursuant to this paragraph
13 before delineating wetlands.

14 (B) FUNDING FOR TRAINING PROGRAM.—
15 Of the amounts made available by appropria-
16 tions for each fiscal year beginning after the
17 date of enactment of this Act for administration
18 of section 404 of the Federal Water Pollution
19 Control Act (33 U.S.C. 1344) by the Corps of
20 Engineers, the Secretary of the Army, in co-
21 operation with the Administrator, shall use such
22 amounts as are practicable to carry out the pro-
23 gram of the Corps of Engineers for—

24 (i) interagency wetlands delineation
25 training; and

1 (ii) training of Federal employees and
2 other individuals as wetlands delineators
3 authorized by section 307(e) of the Water
4 Resources Development Act of 1990 (33
5 U.S.C. 2317(e)).

6 (5) ASSISTING SMALL LANDOWNERS WITH WET-
7 LANDS DELINEATION.—

8 (A) IN GENERAL.—Of amounts made
9 available by appropriations for each fiscal year
10 beginning after the date of enactment of this
11 Act for administration of section 404 of the
12 Federal Water Pollution Control Act (33 U.S.C.
13 1344), the Secretary of the Army, acting
14 through the Chief of Engineers, and the Admin-
15 istrator of the Environmental Protection Agen-
16 cy shall use such amounts as are necessary, but
17 not to exceed a combined total of \$5,000,000,
18 to assist private landowners who lack the finan-
19 cial capacity to identify or delineate wetlands in
20 order to apply for permits under such section or
21 to avoid impacts to wetlands.

22 (B) FORM OF ASSISTANCE.—The assist-
23 ance under subparagraph (A) shall be provided
24 in cooperation with the Director of the United
25 States Fish and Wildlife Service and the Chief

1 of the Soil Conservation Service and shall in-
2 clude—

3 (i) to the maximum extent practicable,
4 the delineation of wetlands boundaries not
5 later than 90 days after receipt of a re-
6 quest for the delineation; and

7 (ii) technical assistance to owners of
8 wetlands in the preparation of wetlands
9 management plans for the lands of the
10 owners to protect and restore wetlands and
11 meet other goals of the Federal Water Pol-
12 lution Control Act (33 U.S.C. 1251 et
13 seq.), including the protection and propa-
14 gation of fish, shellfish, and wildlife, the
15 control of nonpoint and point sources of
16 pollution, the prevention and reduction of
17 erosion, and the protection of streams, es-
18 tuaries, and lakes.

19 (C) REGULATIONS.—Not later than 180
20 days after the date of enactment of this Act,
21 the Secretary and the Administrator of the En-
22 vironmental Protection Agency, in cooperation
23 with the Secretary of the Interior and the Sec-
24 retary of Agriculture, shall issue regulations de-
25 fining the scope of technical assistance and

1 which landowners are eligible for assistance
2 under this paragraph.

3 (6) EDUCATION AND INFORMATION.—The Sec-
4 retary of the Army, acting through the Chief of En-
5 gineers, and the Administrator of the Environmental
6 Protection Agency shall, in cooperation with the Co-
7 ordinating Committee established under section 324
8 of the Federal Water Pollution Control Act (as
9 added by section 710(b)), prepare, update on a bien-
10 nial basis, and make available to the public for pur-
11 chase at cost—

12 (A) an indexed publication containing all
13 Federal regulations, general permits, and regu-
14 latory guidance letters relevant to the permit-
15 ting of activities pursuant to section 404 of the
16 Federal Water Pollution Control Act (33 U.S.C.
17 1344); and

18 (B) information to enable the general pub-
19 lic to understand the delineation of wetlands,
20 the permitting requirements referred to in sub-
21 paragraph (A), wetlands restoration, wetlands
22 functions and values, available nonregulatory
23 programs to conserve wetlands, and other mat-
24 ters that the Secretary of the Army and the Ad-

1 ministrator of the Environmental Protection
2 Agency consider relevant.

3 (7) FEDERAL REGISTER PUBLICATION.—The
4 Secretary of the Army and the Administrator of the
5 Environmental Protection Agency shall publish in
6 the Federal Register all memoranda of agreement
7 and regulatory guidance letters relevant to the per-
8 mitting of activities pursuant to section 404 of the
9 Federal Water Pollution Control Act (33 U.S.C.
10 1344).

11 **SEC. 703. REGULATION OF ACTIVITIES.**

12 (a) DEFINITIONS.—

13 (1) IN GENERAL.—Subsection (d) of section
14 404 (33 U.S.C. 1344(d)) is amended to read as
15 follows:

16 “(d) DEFINITIONS.—As used in this section:

17 “(1) FILL MATERIAL.—The term ‘fill material’
18 means any material that replaces portions of navi-
19 gable water with dry land or that changes the bot-
20 tom elevation or configuration of a water body for
21 any purpose.

22 “(2) SECRETARY.—The term ‘Secretary’ means
23 the Secretary of the Army, acting through the Chief
24 of Engineers.”.

1 (2) POLLUTANT.—Section 502(6) (33 U.S.C.
2 1362(6)) is amended by inserting “fill material,
3 dirt,” after “dredged spoil,”.

4 (b) DISCHARGE OF DREDGED OR FILL MATERIAL
5 DEFINED.—Section 404(d) (33 U.S.C. 1344(d)), as
6 amended by subsection (a), is further amended by adding
7 at the end the following new paragraph:

8 “(3) DISCHARGE OF DREDGED OR FILL MATE-
9 RIAL.—The term ‘discharge of dredged or fill mate-
10 rial’ means any addition of dredged or fill material
11 into navigable waters and includes, without limita-
12 tion, any addition or redeposit of dredged materials,
13 including excavated materials, into the navigable wa-
14 ters that is incidental to any activity, including
15 draining, mechanized land clearing, ditching, chan-
16 nelization, or other excavation that has or would
17 have the effect of destroying or degrading any area
18 of navigable waters.”.

19 **SEC. 704. PERMIT PROCESSING IMPROVEMENTS.**

20 (a) PERMIT DECISION DEADLINES.—Section 404(a)
21 (33 U.S.C. 1344(a)), as amended by section 702(b)(3)(C),
22 is further amended by adding at the end the following new
23 paragraphs:

24 “(3) DATE OF DECISION BY SECRETARY.—Ex-
25 cept as provided in paragraph (4), the Secretary

1 shall make a decision with respect to an application
2 for a permit submitted under paragraph (1) not
3 later than 90 days after the date the notice of the
4 application is published under paragraph (1).

5 “(4) EXTENSION.—The decision of the Sec-
6 retary with respect to an application for a permit
7 under paragraph (1) may be made after the date
8 specified in paragraph (3), only if—

9 “(A) with respect to issuance of the per-
10 mit, the Secretary is required under the Na-
11 tional Environmental Policy Act of 1969 (42
12 U.S.C. 4321 et seq.) to issue an environmental
13 impact statement, in which case the decision
14 shall be made not later than 30 days after the
15 date on which the requirements of such Act are
16 met;

17 “(B) the permit application involves an ac-
18 tivity that may affect any species that is listed
19 or proposed for listing or any critical habitat
20 that is designated or proposed for designation
21 under the Endangered Species Act of 1973 (16
22 U.S.C. 1531 et seq.), in which case the decision
23 shall be made not later than 30 days after the
24 date on which the requirements of such Act are
25 met, as determined by the Secretary of the In-

1 terior or the Secretary of Commerce, whomever
2 is appropriate;

3 “(C) the Administrator, the Secretary of
4 Agriculture, the Secretary of the Interior, the
5 Secretary of Commerce, or the Secretary of
6 Transportation, the head of any other appro-
7 priate Federal agency, or the Governor of the
8 State in which the activity occurs requests that
9 the decision be made after the date specified in
10 paragraph (3), in which case the decision shall
11 be made not later than 150 days after the ap-
12 plication is published under paragraph (1);

13 “(D) the Secretary and the applicant for
14 the permit determine that additional time is
15 needed to evaluate the application; or

16 “(E) the decision is precluded as a matter
17 of law or procedures required by law.

18 “(5) CONSEQUENCES OF FAILURE BY THE SEC-
19 RETARY TO MAKE A DECISION.—If the Secretary
20 fails to make a decision by the date specified in
21 paragraph (3) or, in an area subject to an approved
22 wetlands and watershed management plan, by the
23 date specified in section 323(d)(2), the applicant for
24 the permit may—

1 “(A) treat the lack of a decision as a de-
 2 nial of the permit and appeal the denial pursu-
 3 ant to paragraph (6); or

4 “(B) pursue any other remedy authorized
 5 by law.”.

6 (b) DEADLINES ON PROHIBITION OR RESTRICTION
 7 OF ACTIVITIES BY ADMINISTRATOR.—Section 404(c) (33
 8 U.S.C. 1344(c)) is amended by adding at the end the fol-
 9 lowing new sentence: “The Administrator shall make any
 10 determination under this subsection to prohibit or restrict
 11 any discharge into navigable waters resulting from an ac-
 12 tivity for which a permit may be issued under subsection
 13 (a) not later than 180 days after the date of decision with
 14 respect to an application for a permit under subsection
 15 (a).”.

16 (c) ADMINISTRATIVE APPEAL OF PERMIT DECI-
 17 SIONS.—Section 404(a) (33 U.S.C. 1344(a)), as amended
 18 by subsection (a), is further amended by adding at the
 19 end the following new paragraph:

20 “(6) REGULATIONS.—

21 “(A) IN GENERAL.—Not later than 180
 22 days after the date of enactment of this para-
 23 graph, the Secretary shall, in consultation with
 24 the Administrator and the Secretary of the In-
 25 terior and after providing notice and an oppor-

1 tunity for public comment, issue regulations es-
2 tablishing procedures pursuant to which—

3 “(i) a landowner may appeal a deter-
4 mination of regulatory jurisdiction under
5 this section with respect to a parcel of
6 property;

7 “(ii) a landowner or any other person
8 against whom an administrative penalty
9 has been imposed pursuant to this section
10 may appeal the imposition or the amount
11 of the penalty; and

12 “(iii) an applicant for a permit sub-
13 mitted under paragraph (1) or any other
14 person who participated in a public com-
15 ment process concerning the application
16 for the permit and commented on the issue
17 that is the subject of the appeal, unless the
18 issue raised is based on new information or
19 a condition unknown at the time of the
20 public comment of the party appealing the
21 decision, may appeal a decision made pur-
22 suant to this section to grant, deny, or
23 condition the permit.

24 “(B) FILING AND DECISION DEADLINES.—

25 An appeal brought pursuant to this paragraph

1 shall be filed not later than 30 days after the
2 date on which the decision or action on which
3 the appeal is based occurs. An appeal shall be
4 decided not later than 90 days after the date on
5 which the appeal was filed.

6 “(C) OFFICIAL DECIDING APPEAL.—An
7 appeal brought pursuant to this paragraph
8 shall, to the extent allowable by law, be heard
9 and decided by an appropriate and impartial of-
10 ficial of the Federal Government, other than
11 the official who made the determination or
12 carried out the action that is the subject of the
13 appeal.

14 “(D) PAYMENT OR MITIGATION AFTER AP-
15 PEAL.—A landowner who has filed an appeal
16 under subparagraph (B) shall not be required
17 to pay a penalty or perform mitigation or res-
18 toration assessed under this section or section
19 309 until after the appeal has been decided by
20 the Secretary.”.

21 **SEC. 705. GENERAL PERMIT IMPROVEMENTS.**

22 Subsection (e) of section 404 (33 U.S.C. 1344(e)) is
23 amended to read as follows:

24 “(e) GENERAL PERMITS.—

1 “(1) IN GENERAL.—In carrying out the func-
2 tions of the Secretary under this section relating to
3 the discharge of dredged or fill material, the Sec-
4 retary may, after notice and opportunity for a public
5 hearing, issue general permits.

6 “(2) CATEGORIES OF ACTIVITIES.—The general
7 permits may be issued on a State, regional, or na-
8 tionwide basis for any category of activities involving
9 discharges of dredged or fill material if the Sec-
10 retary determines that the activities in the cat-
11 egory—

12 “(A) are similar in nature and will cause
13 only minimal adverse environmental effects
14 when performed separately; and

15 “(B) will have only a minimal cumulative
16 adverse effect on the environment.

17 “(3) STATE PROGRAMS.—A general permit may
18 be issued by the Secretary for a then existing State
19 regulatory program to avoid unnecessary duplication
20 of requirements by Federal and State programs if
21 the general permit—

22 “(A) requires that the State regulatory
23 program has jurisdiction over the activities and
24 waters within the scope of the general permit;

1 “(B) provides adequate safeguards to en-
2 sure that the State regulatory program will
3 have no more than minimal cumulative impacts
4 on the environment and will provide at least the
5 same degree of protection for the navigable wa-
6 ters as the protection provided by this section;

7 “(C) provides at least the same oppor-
8 tunity for public review, comment, and hearings
9 as the opportunity provided by this section; and

10 “(D) includes provisions to provide an op-
11 portunity for the Secretary, in cooperation with
12 the Administrator, the Secretary of the Interior
13 (acting through the Director of the United
14 States Fish and Wildlife Service), and the Sec-
15 retary of Commerce (acting through the Admin-
16 istrator of the National Oceanic and Atmos-
17 pheric Administration) to review proposed per-
18 mit decisions of the State regulatory agency to
19 ensure that the requirements of this subsection
20 are met, which provisions shall—

21 “(i) specify appropriate levels of Fed-
22 eral review for particular types of permit
23 decisions of the State to ensure, to the
24 maximum extent practicable, that the re-
25 view is directed primarily at permits that

1 may have more than minimal adverse im-
2 pacts on the environment; and

3 “(ii) specify that, in the case of any
4 permit decision of the State that will have
5 more than minimal adverse impacts on the
6 environment, the Secretary may determine
7 whether to issue the permit pursuant to
8 subsection (a).

9 “(4) CONSISTENCY WITH SWAMPBUSTER.—A
10 general permit may be issued for discharges of
11 dredged or fill material associated with activities
12 found by the Secretary of Agriculture, in consulta-
13 tion with the Secretary of the Interior acting
14 through the Director of the United States Fish and
15 Wildlife Service, to be exempted from the ineligibility
16 provisions of section 1221 of the Food Security Act
17 of 1985 (16 U.S.C. 3821) pursuant to subsections
18 (f) and (h) of section 1222 of such Act (16 U.S.C.
19 3822) if the general permit—

20 “(A) provides adequate safeguards to en-
21 sure that the activities exempted will have no
22 more than minimal individual and cumulative
23 impacts on the environment; and

24 “(B) includes provisions to provide an op-
25 portunity for the Secretary and the Adminis-

1 trator to review determinations by the Secretary
2 of Agriculture to ensure that the terms and
3 conditions of the general permit and the re-
4 quirements of this subsection are met.

5 “(5) REQUIREMENTS APPLICABLE TO GENERAL
6 PERMITS.—

7 “(A) PERIOD; REVOCATION OR MODIFICA-
8 TION.—No general permit issued under this
9 subsection shall be for a period of more than 5
10 years after the date of issuance of the permit.
11 The general permit shall be revoked or modified
12 by the Secretary if, after providing notice and
13 opportunity to request a public hearing, the
14 Secretary determines that—

15 “(i) the activities authorized by the
16 general permit—

17 “(I) have more than a minimal
18 adverse impact on the environment
19 (individually or cumulatively); or

20 “(II) are more appropriately au-
21 thorized by individual permits; or

22 “(ii) a State has failed to adequately
23 monitor and control the individual and cu-
24 mulative adverse effects of activities au-

1 thorized by a State program general per-
2 mit issued under paragraph (3).

3 “(B) REQUIREMENTS.—Each general per-
4 mit issued under this subsection shall—

5 “(i) be based on the guidelines devel-
6 oped pursuant to subsection (b)(1); and

7 “(ii) set forth requirements and
8 standards that shall apply to any activity
9 authorized by the permit, including specific
10 enforceable requirements and standards for
11 the mitigation of adverse impacts to wet-
12 lands and other navigable waters.”.

13 **SEC. 706. COORDINATION AND CLARIFICATION OF PRO-**
14 **GRAM CONCERNING AGRICULTURAL ACTIVI-**
15 **TIES.**

16 (a) COORDINATION WITH AGRICULTURAL PRO-
17 GRAMS.—Section 404(q) (33 U.S.C. 1344(q)) is amend-
18 ed—

19 (1) by striking “(q) Not” and inserting the
20 following:

21 “(q) AGREEMENTS.—

22 “(1) IN GENERAL.—Not”; and

23 (2) by adding at the end the following new
24 paragraph:

1 “(2) TECHNICAL DETERMINATIONS.—In mak-
2 ing technical determinations concerning waters of
3 the United States located on agricultural lands, in-
4 cluding the delineation of prior converted croplands,
5 the Secretary, the Administrator, the Secretary of
6 the Interior, and the Secretary of Agriculture
7 shall—

8 “(A) use consistent criteria and proce-
9 dures, in accordance with the memorandum of
10 agreement dated January 6, 1994, concerning
11 the delineation of wetlands for the purposes of
12 this section and subtitle C of title XII of the
13 Food Security Act of 1985 (16 U.S.C. 3821 et
14 seq.) entered into by the Secretary of Agri-
15 culture, the Administrator of the Environmental
16 Protection Agency, the Secretary of the Inte-
17 rior, and the Secretary of the Army; and

18 “(B) provide information and education to
19 the public concerning the criteria and proce-
20 dures referred to in subparagraph (A).”.

21 (b) EXEMPTION FOR PRIOR CONVERTED CROP-
22 LAND.—Section 404(f) (33 U.S.C. 1344(f)) is amended by
23 adding at the end the following new paragraph:

24 “(3) PRIOR CONVERTED CROPLAND.—

1 “(A) IN GENERAL.—An area determined
2 (in accordance with the memorandum described
3 in subparagraph (B)) to be prior converted
4 cropland and that no longer meets the defini-
5 tion of ‘wetland’ under section 1201(a)(16) of
6 the Food Security Act of 1985 (16 U.S.C.
7 3801(16)) shall not be considered to be navi-
8 gable waters.

9 “(B) MEMORANDUM.—The memorandum
10 described in this subparagraph is the memoran-
11 dum of agreement dated January 6, 1994, con-
12 cerning the delineation of wetlands for the pur-
13 poses of this section and subtitle C of title XII
14 of the Food Security Act of 1985 (16 U.S.C.
15 3821 et seq.) entered into by the Secretary of
16 Agriculture, the Administrator of the Environ-
17 mental Protection Agency, the Secretary of the
18 Interior, and the Secretary of the Army.”.

19 (c) OTHER EXEMPT WATERS AND AREAS.—Section
20 404(f) (33 U.S.C. 1344(f)), as amended by subsection (b),
21 is further amended by adding at the end the following new
22 paragraph:

23 “(4) EXCLUSION FROM NAVIGABLE WATERS.—
24 For purposes of this section, the following shall not
25 be considered to be navigable waters:

1 “(A) Nontidal drainage and irrigation
2 ditches excavated in uplands.

3 “(B) Artificially irrigated areas that would
4 revert to uplands if the irrigation ceased.

5 “(C) Artificial lakes or ponds created by
6 excavating or diking uplands to collect and re-
7 tain water, and that are used primarily for
8 stock watering, irrigation, settling ponds, fire
9 control, or rice growing.

10 “(D) Artificial reflecting or swimming
11 pools or other small ornamental bodies of water
12 created by excavating or diking uplands to re-
13 tain water for primarily aesthetic reasons.

14 “(E) Water-filled depressions created in
15 uplands incidental to construction activity and
16 pits excavated in uplands for the purpose of ob-
17 taining fill, sand, or gravel, unless and until the
18 construction or excavation operation is aban-
19 doned and the resulting body of water meets
20 the definition of navigable waters under section
21 502(7).

22 “(F) Artificial stormwater detention areas
23 and artificial sewage treatment areas that are
24 not modifications of navigable waters.”.

1 (d) EXEMPTED ACTIVITIES.—Section 404(f) (33
2 U.S.C. 1344(f)) is amended—

3 (1) by striking “(f)(1) Except as provided” and
4 inserting the following:

5 “(f) EXEMPT ACTIVITIES.—

6 “(1) IN GENERAL.—Except as provided”; and

7 (2) in paragraph (1), by striking subparagraph
8 (A) and all that follows through the end of the para-
9 graph and inserting the following:

10 “(A) from normal farming, silviculture,
11 and ranching activities, such as haying, grazing,
12 plowing, seeding, cultivating, minor drainage,
13 harvesting for the production of food, fiber, and
14 forest products, or upland soil and water con-
15 servation practices;

16 “(B) for the purpose of the maintenance,
17 including emergency reconstruction of recently
18 damaged parts, of currently serviceable struc-
19 tures such as dikes, dams, levees, groins,
20 riprap, breakwaters, causeways, bridge abut-
21 ments or approaches, and transportation struc-
22 tures;

23 “(C) for the purpose of the construction or
24 maintenance of farm or stock ponds or irriga-

1 tion ditches, or the maintenance of drainage
2 ditches;

3 “(D) for the purpose of the construction of
4 temporary sedimentation basins on a construc-
5 tion site that does not involve a discharge of fill
6 material into navigable waters;

7 “(E) for the purpose of the construction or
8 maintenance of farm roads or forest roads, or
9 temporary roads for moving mining equipment,
10 if the roads are constructed and maintained, in
11 accordance with best management practices, to
12 ensure that—

13 “(i) flow and circulation patterns and
14 chemical and biological characteristics of
15 the navigable waters are not impaired;

16 “(ii) the reach of the navigable waters
17 is not reduced; and

18 “(iii) any adverse effect on the aquat-
19 ic environment will otherwise be mini-
20 mized; or

21 “(F) resulting from any activity with re-
22 spect to which a State has a program approved
23 by the Administrator under section 208(b)(4)
24 that meets the requirements of subparagraphs
25 (B) and (C) of such section,

1 shall not be prohibited by, or otherwise subject to,
 2 regulation under this section or section 301(a) or
 3 402 (except for effluent standards or prohibitions
 4 under section 307).”.

5 (e) COOPERATION WITH SECRETARY OF AGRI-
 6 CULTURE.—Section 404(f) (33 U.S.C. 1344(f)), as
 7 amended by subsection (c), is further amended by adding
 8 at the end the following new paragraph:

9 “(5) COORDINATION OF EFFORTS.—In carrying
 10 out this subsection with respect to agricultural ex-
 11 emptions, the Secretary and the Administrator shall
 12 coordinate efforts with the Secretary of Agri-
 13 culture.”.

14 **SEC. 707. MITIGATION BANKS.**

15 Section 404 (33 U.S.C. 1344), as amended by section
 16 701(b), is further amended by adding at the end the fol-
 17 lowing new subsection:

18 “(v) MITIGATION BANKS.—

19 “(1) ESTABLISHMENT.—

20 “(A) IN GENERAL.—Not later than 1 year
 21 after the date of enactment of this subsection,
 22 after providing notice and opportunity for pub-
 23 lic review and comment, the Secretary and the
 24 Administrator shall jointly issue regulations for
 25 the establishment, use, maintenance, and over-

1 sight of mitigation banks. The regulations shall
2 be developed in consultation with the Secretary
3 of the Interior, acting through the Director of
4 the United States Fish and Wildlife Service and
5 the Secretary of Commerce, acting through the
6 Administrator of the National Oceanic and
7 Atmospheric Administration.

8 “(B) PROVISIONS AND REQUIREMENTS.—

9 The regulations issued pursuant to subpara-
10 graph (A) shall ensure that mitigation banks—

11 “(i) comply with the guidelines estab-
12 lished under subsection (b)(1);

13 “(ii) to the extent practicable and en-
14 vironmentally desirable, provide in-kind re-
15 placement of lost wetlands functions and
16 be located in, or in proximity to, the same
17 watershed as impacted wetlands;

18 “(iii) provide for the long-term secu-
19 rity of ownership interests of wetlands and
20 uplands on which projects are conducted to
21 protect the wetlands values associated with
22 the mitigation banks;

23 “(iv) employ consistent and scientif-
24 ically sound methods to determine debits
25 by evaluating wetlands functions, project

1 impacts, and duration of the impacts at
2 the sites of proposed permits for dis-
3 charges of dredged or fill material pursu-
4 ant to this section, and to determine cred-
5 its based on wetlands functions, values,
6 and acreages at the sites of mitigation
7 banks;

8 “(v) base fee charges for participation
9 in each mitigation bank that reflect the full
10 costs of replacing lost wetlands functions
11 and acreage, including the costs of land ac-
12 quisition, wetlands establishment, manage-
13 ment measures, long-term maintenance,
14 monitoring, and protection, potential reme-
15 diation of project failure, and other rel-
16 evant factors;

17 “(vi) specify responsibilities for long-
18 term monitoring, maintenance, and protec-
19 tion; and

20 “(vii) provide opportunity for public
21 notice of, and comment on, proposals for
22 mitigation banks.

23 “(2) MITIGATION BANK DEFINED.—As used in
24 this subsection, the term ‘mitigation bank’ means a
25 wetlands restoration project undertaken by 1 or

1 more parties, including a private or public entity, ex-
2 pressly for the purpose of providing, in advance,
3 mitigation compensation credits to fully offset rea-
4 sonably foreseeable wetlands losses from future dis-
5 charges of dredged or fill material into the navigable
6 waters, if compensatory mitigation at the project site
7 is not practicable or environmentally desirable.”.

8 **SEC. 708. GRANT AUTHORITY FOR RESEARCH, INVESTIGA-**
9 **TION, AND TRAINING.**

10 Section 104 (33 U.S.C. 1254), as amended by section
11 608(a), is further amended by adding at the end the fol-
12 lowing new subsection:

13 “(w) GRANTS FOR RESEARCH, INVESTIGATION, AND
14 TRAINING.—The Secretary of the Army, acting through
15 the Chief of Engineers, is authorized to make grants to
16 and enter into cooperative agreements with State agencies,
17 interstate agencies, other public or nonprofit agencies, in-
18 stitutions, organizations, and individuals for the purposes
19 described in subsection (a)(1).”.

20 **SEC. 709. REPORTS AND ANALYSIS.**

21 (a) EFFECTS OF PROGRAM ON WETLANDS.—Section
22 404(a) (33 U.S.C. 1344(a)), as amended by section
23 704(c), is further amended by adding at the end the fol-
24 lowing new paragraph:

25 “(7) INFORMATION.—

1 “(A) IN GENERAL.—Not later than 3 years
2 after the date of enactment of this paragraph,
3 and at least every 5 years thereafter, the Sec-
4 retary, the Administrator, and each State that
5 has a permit program approved by the Adminis-
6 trator under subsection (h)(2) shall collect and
7 make available to Congress and the public in-
8 formation regarding the effects on navigable
9 waters of activities conducted under permits
10 (including general permits) issued pursuant to
11 this section, including—

12 “(i) the number of permit applications
13 that were granted, withdrawn, or denied;

14 “(ii) estimates of the total acreage,
15 prior to any mitigation, of navigable waters
16 affected adversely by issuance of individual
17 permits;

18 “(iii) estimates of the acreage of navi-
19 gable waters affected by each general per-
20 mit, in order to determine whether the in-
21 dividual and cumulative adverse environ-
22 mental effects of activities authorized by
23 each general permit are minimal; and

24 “(iv) estimates of the acreage of navi-
25 gable waters preserved, created, enhanced,

1 and restored through mitigation of per-
2 mitted activities and the rate of compliance
3 with such mitigation requirements.

4 “(B) MONITORING.—For purposes of pre-
5 paring reports under this paragraph, the Sec-
6 retary, the Administrator, the Secretary of
7 Commerce, and the Secretary of the Interior
8 shall jointly monitor the achievement of the pol-
9 icy stated in section 101(a)(8) under permits is-
10 sued under this section.

11 “(C) INFORMATION.—To assist the Sec-
12 retary and the Administrator in the preparation
13 of the reports required under this paragraph
14 and in monitoring the impacts of general per-
15 mits, the appropriate official of each State en-
16 tity that has in effect a regulatory program
17 that is authorized by a general permit issued
18 pursuant to subsection (e)(3) shall, not later
19 than 180 days before the issuance of the re-
20 ports required under this paragraph, submit to
21 the Secretary and the Administrator informa-
22 tion concerning the effects of the activities con-
23 ducted under the general permit within the ju-
24 risdiction of the entity, including estimates of—

1 “(i) the number and type of activities
2 authorized under the general permit;

3 “(ii) the acreage of navigable waters
4 affected by the general permit; and

5 “(iii) the acreage of navigable waters
6 preserved or restored through the mitiga-
7 tion of activities conducted under the gen-
8 eral permit and the rate of compliance
9 with the mitigation requirements.”.

10 (b) NEEDS ANALYSIS.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of enactment of this Act, the Comp-
13 troller General of the United States shall submit to
14 Congress an analysis of the needs of the Department
15 of the Army, the Environmental Protection Agency,
16 the Soil Conservation Service, the United States
17 Fish and Wildlife Service, and the National Marine
18 Fisheries Service for additional personnel, adminis-
19 trative resources, and funding to—

20 (A) improve implementation of section 404
21 of the Federal Water Pollution Control Act (33
22 U.S.C. 1344); and

23 (B) carry out this Act and the amend-
24 ments made by this Act.

1 (2) CONTENTS.—The needs analysis submitted
 2 by the Comptroller General of the United States
 3 under this subsection shall—

4 (A) give particular emphasis to the needs
 5 of the agencies identified in paragraph (1) with
 6 respect to improving and expediting wetlands
 7 delineation and the issuance of permits under
 8 section 404 of such Act (including advance
 9 planning and early consultation);

10 (B) include specific recommendations re-
 11 garding additional appropriations and staffing
 12 necessary to carry out subparagraph (A); and

13 (C) include specific recommendations con-
 14 cerning the allocation of additional appropria-
 15 tions and staffing to the regional, district, and
 16 field offices of the agencies identified in para-
 17 graph (1).

18 **SEC. 710. WETLANDS CONSERVATION, MANAGEMENT, AND**
 19 **RESTORATION.**

20 (a) FUNDING FOR STATE WETLANDS CONSERVATION
 21 PLANS.—Section 104(a)(2)(G) (33 U.S.C.
 22 1254(a)(2)(G)), as amended by section 601(a), is further
 23 amended by inserting before the semicolon at the end the
 24 following: “and for the development and implementation
 25 of State wetlands conservation plans under section 322”.

1 (b) WETLANDS CONSERVATION, MANAGEMENT, AND
2 RESTORATION.—Title III (33 U.S.C. 1311 et seq.), as
3 amended by section 303(b), is further amended by adding
4 at the end the following new sections:

5 “STATE WETLANDS CONSERVATION PLANS

6 “SEC. 322. (a) DEVELOPMENT AND IMPLEMENTA-
7 TION ASSISTANCE.—Subject to the requirements estab-
8 lished by the Administrator and this section, the Adminis-
9 trator is authorized to make grants to States to assist in
10 the development and implementation of State wetlands
11 conservation plans.

12 “(b) CONTENTS OF PLANS.—To qualify for assist-
13 ance under subsection (a), a State wetlands conservation
14 plan shall generally include—

15 “(1) management strategies and policies for
16 achieving within the State the goals established
17 under section 101(a)(8);

18 “(2) an inventory of wetlands resources in the
19 State;

20 “(3) a description of the major causes of wet-
21 lands loss and degradation in the State, including an
22 estimate of historical wetlands losses;

23 “(4) a description of Federal, State, and local
24 government programs applying to wetlands resources
25 in the State;

1 “(5) an identification of sites in the State with
2 wetlands restoration potential;

3 “(6) an identification of riparian areas in the
4 State with restoration potential;

5 “(7) a schedule for implementing the elements
6 of the plan;

7 “(8) mechanisms for implementing and for
8 monitoring the achievement of the stated goals of
9 the plan;

10 “(9) measures to assist in the development of
11 wetlands and watershed management plans under
12 section 323; and

13 “(10) the involvement of local public and pri-
14 vate agencies and organizations that have expertise
15 in wetlands conservation or land use planning or
16 development.

17 “WETLANDS AND WATERSHED MANAGEMENT PLANS

18 “SEC. 323. (a) DESIGNATION AND APPROVAL OF
19 MANAGEMENT UNITS AND ENTITIES.—

20 “(1) IN GENERAL.—The Governor of a State
21 may at any time designate wetlands and associated
22 land areas within the State as a wetlands and water-
23 shed management unit. A wetlands and watershed
24 management unit designated pursuant to this para-
25 graph shall, to the extent practicable, be consistent

1 with watershed management units designated pursu-
2 ant to section 321.

3 “(2) UNIT BOUNDARIES.—

4 “(A) IN GENERAL.—The boundaries of
5 each wetlands and watershed management unit
6 shall—

7 “(i) be identified on a map;

8 “(ii) be based on the best available
9 scientific information; and

10 “(iii) to the extent practicable, be con-
11 sistent with the hydrological units identi-
12 fied by the United States Geological Sur-
13 vey of the Department of the Interior as
14 the most appropriate units for planning
15 purposes.

16 “(B) BOUNDARIES.—The boundaries of
17 each wetlands and watershed management unit
18 shall, to the extent practicable, be consistent
19 with the boundaries of watershed management
20 units designated pursuant to section 321.

21 “(3) MANAGEMENT ENTITY.—The Governor of
22 a State shall determine the entity responsible for de-
23 veloping and implementing a plan for each wetlands
24 and watershed management unit designated under
25 this section. The management entity may be an

1 agency of State government, a local government
2 agency, a substate or interstate regional planning or-
3 ganization, a conservation district or other natural
4 resource management district, or any other public or
5 nonprofit entity that has adequate powers to carry
6 out the responsibilities authorized by this section.
7 The management entity for each wetlands and wa-
8 tershed management unit shall, to the extent prac-
9 ticable, be the entity designated pursuant to section
10 321 to manage the watershed management unit.

11 “(4) APPROVAL.—Each designation of a wet-
12 lands and watershed management unit and a cor-
13 responding management entity under this subsection
14 shall be submitted to the Administrator and the Sec-
15 retary of the Army, acting through the Chief of En-
16 gineers (referred to in this section as the ‘Sec-
17 retary’), for approval. The Administrator and the
18 Secretary shall approve the designation of a manage-
19 ment unit and entity not later than 180 days after
20 the date of submittal, if the designation meets the
21 requirements of this section. If the Administrator
22 and the Secretary disapprove the designation, the
23 Administrator and the Secretary shall notify the
24 State in writing of the reasons for the disapproval.
25 The State may resubmit a revised designation to

1 meet the objections of the Administrator and the
2 Secretary.

3 “(b) DEVELOPMENT AND APPROVAL OF A WET-
4 LANDS AND WATERSHED MANAGEMENT PLAN.—

5 “(1) PLAN DEVELOPMENT.—An approved man-
6 agement entity shall be eligible to receive funding
7 pursuant to section 106(h), 205(j), 319(e), or
8 604(b) (or any combination thereof) for the follow-
9 ing activities in the development of a wetlands and
10 watershed management plan:

11 “(A) An inventory and mapping of—

12 “(i) all navigable waters within the
13 proposed wetlands and watershed manage-
14 ment unit; and

15 “(ii) potential wetlands restoration
16 sites.

17 “(B) An assessment of the functions and
18 relative value of wetlands within the wetlands
19 and watershed management unit.

20 “(C) The categorization of activities ac-
21 cording to the degree to which the activities
22 have an adverse effect on navigable waters
23 within the wetlands and watershed management
24 unit.

1 “(D) The identification and adoption of
2 programs, policies, and measures to achieve
3 within the wetlands and watershed management
4 unit the goal established under section
5 101(a)(8).

6 “(E) The identification of potential mitiga-
7 tion banks.

8 “(F) The identification and adoption of
9 measures to integrate wetlands planning and
10 management with broader water resource and
11 land use planning and management, including
12 floodplain management, water supply,
13 stormwater management, and the control of
14 point and nonpoint source pollution.

15 “(G) The identification and adoption of
16 measures to increase the level of consistency be-
17 tween Federal, State, and local wetlands defini-
18 tions, delineation methodologies, and permitting
19 approaches.

20 “(H) The identification and establishment
21 of management strategies for preserving and re-
22 storing wetlands on a watershed basis.

23 “(I) The consideration of, and coordination
24 with, water resource and land use planning ef-
25 forts in adjacent States within the region or

1 basin in which the wetlands and watershed
2 management unit is located.

3 “(2) PUBLIC PARTICIPATION.—Each State shall
4 establish procedures, including the establishment of
5 scientific and citizens’ advisory committees, to en-
6 courage the public to participate in developing wet-
7 lands and watershed management plans under this
8 section.

9 “(3) APPROVAL OF PLANS.—

10 “(A) SUBMISSION OF PLAN.—The Gov-
11 ernor of a State may submit to the Adminis-
12 trator for approval by the Administrator and
13 the Secretary a wetlands and watershed man-
14 agement plan developed pursuant to this
15 section.

16 “(B) DECISION ON PLAN.—The Adminis-
17 trator and the Secretary shall, in consultation
18 with the Secretaries of the Interior, Agriculture,
19 and Commerce, and after notice and oppor-
20 tunity for public comment, approve or dis-
21 approve a wetlands and watershed management
22 plan not later than 180 days after the date the
23 plan is submitted by a Governor pursuant to
24 this paragraph.

1 “(C) PLAN REQUIREMENTS.—The Admin-
2 istrator and the Secretary shall approve a wet-
3 lands and watershed management plan submit-
4 ted pursuant to this paragraph if the Adminis-
5 trator and the Secretary determine that the
6 plan satisfies the requirements of section 321
7 and each of the following conditions:

8 “(i) The plan has been developed for
9 a wetlands and watershed management
10 unit designated and approved pursuant to
11 subsection (a).

12 “(ii) The management entity with re-
13 sponsibility to carry out the plan has been
14 designated and approved pursuant to sub-
15 section (a) and has the legal authority and
16 financial resources to carry out the plan.

17 “(iii) The plan contains an inventory
18 and mapping of—

19 “(I) all navigable waters within
20 the proposed wetlands and watershed
21 management unit; and

22 “(II) potential wetlands restora-
23 tion sites with a description of the in-
24 tended functions of the sites upon

1 completion and the time required for
2 completion.

3 “(iv) The management entity has
4 adopted programs, policies, and measures
5 that will ensure achievement within the
6 watershed of the goal established under
7 section 101(a)(8).

8 “(v) The plan provides that the man-
9 agement entity will report to the Adminis-
10 trator, the Secretary, and the public not
11 later than 2 years after the date of imple-
12 mentation of the plan, and every 2 years
13 thereafter, on the implementation of the
14 plan and on the losses and gains in func-
15 tions and acres of wetlands within the wet-
16 lands and watershed management unit.

17 “(4) TECHNICAL ASSISTANCE.—At the request
18 of the management entity, the Secretary of the Inte-
19 rior and the Secretary of Commerce, shall, to the ex-
20 tent practicable, provide the management entity with
21 technical assistance in carrying out wetlands and
22 watershed management planning activities under
23 this section.

24 “(c) PLAN IMPLEMENTATION AND REVISION.—

1 “(1) PLANNING AND IMPLEMENTATION SCHED-
2 ULE.—Each wetlands and watershed management
3 plan submitted and approved under subsection (b)
4 shall include a planning and implementation sched-
5 ule for a period of at least 10 years.

6 “(2) DURATION OF APPROVAL.—The approval
7 of a plan by the Administrator and the Secretary
8 shall apply for a period not to exceed 10 years.

9 “(3) PLAN REVISIONS.—Prior to the expiration
10 of the period specified in paragraph (2), the Gov-
11 ernor of a State may submit a revised plan to the
12 Administrator for approval by the Administrator and
13 the Secretary pursuant to the same conditions and
14 requirements that apply to any initial plan for a wet-
15 lands and watershed management unit that is ap-
16 proved pursuant to subsection (b).

17 “(d) INCENTIVES FOR WETLANDS AND WATERSHED
18 MANAGEMENT PLANNING.—

19 “(1) FUNDING OF PROJECTS AND ACTIVI-
20 TIES.—The projects and activities identified in a
21 plan approved by the Administrator and the Sec-
22 retary as necessary for the achievement, within the
23 wetlands and watershed management unit, of the
24 goal established under section 101(a)(8), and not

1 otherwise required under this Act or any other Fed-
2 eral law, shall—

3 “(A) be eligible for funding under section
4 603(c)(1)(F);

5 “(B) be included in any needs assessment
6 conducted pursuant to section 516; and

7 “(C) be eligible for funding under section
8 604(a)(2)(C).

9 “(2) EXPEDITED PERMIT REVIEW.—Notwith-
10 standing section 404(a), a decision under such sec-
11 tion with respect to a completed application for a
12 permit for discharge of dredged or fill material into
13 navigable waters within a designated wetlands and
14 watershed unit and subject to an approved wetlands
15 and watershed management plan shall be made not
16 later than 60 days after the date the notice of the
17 application is published under section 404(a)(1), un-
18 less—

19 “(A) with respect to issuance of the per-
20 mit, the Secretary is required under the Na-
21 tional Environmental Policy Act of 1969 (42
22 U.S.C. 4321 et seq.) to issue an environmental
23 impact statement, in which case the decision
24 shall be made not later than 30 days after the

1 date on which the requirements of such Act are
2 met;

3 “(B) the permit application involves an ac-
4 tivity that may affect any species that is listed
5 or proposed for listing or an area that is des-
6 ignated or proposed for designation as a critical
7 habitat under the Endangered Species Act of
8 1973 (16 U.S.C. 1531 et seq.), in which case
9 the decision shall be made not later than 30
10 days after the date on which the requirements
11 of such Act are met, as determined by the Sec-
12 retary of the Interior or the Secretary of Com-
13 merce, whomever is appropriate;

14 “(C) the Administrator, the Secretaries of
15 the Departments of Agriculture, the Interior,
16 Commerce, or Transportation, the head of any
17 other appropriate Federal agency, or the Gov-
18 ernor of the State in which the activity occurs
19 requests that the decision be made after the
20 date, in which case the decision shall be made
21 not later than 90 days after the date on which
22 the notice of application is published under sec-
23 tion 404(a)(1);

1 “(D) the Secretary and the permit appli-
2 cant determine that additional time is needed to
3 evaluate the application; or

4 “(E) the decision is precluded as a matter
5 of law or procedures required by law.

6 “(3) MITIGATION BANKS.—

7 “(A) IN GENERAL.—At the request of an
8 approved management entity, the Secretary and
9 the Administrator shall provide assistance in
10 the establishment of mitigation banks under
11 this section and section 404(v) by the approved
12 management entity to achieve the goal estab-
13 lished under section 101(a)(8) within an ap-
14 proved wetlands and watershed management
15 unit and in accordance with an approved wet-
16 lands and watershed management plan.

17 “(B) FUNDING.—The establishment and
18 oversight of mitigation banks within an ap-
19 proved wetlands and watershed management
20 unit and in accordance with an approved wet-
21 lands and watershed management plan shall be
22 eligible for funding under paragraph (1).

23 “(e) RESEARCH PROGRAM.—The Administrator and
24 the Secretary, in cooperation with the Secretary of the In-
25 terior and the heads of other appropriate Federal, State,

1 and local government entities, shall carry out a research
2 program on wetlands and watershed management. The re-
3 search program shall include—

4 “(1) study of the functions, values, and man-
5 agement needs of altered, artificial, and managed
6 wetlands systems;

7 “(2) study and development of techniques and
8 methods for determining and analyzing the functions
9 and values of different types of wetlands;

10 “(3) study and development of techniques for
11 managing and restoring wetlands within a watershed
12 context;

13 “(4) study and development of techniques for
14 better coordinating and integrating wetlands protec-
15 tion, floodplain management, stormwater manage-
16 ment, point and nonpoint source pollution controls,
17 and water supply planning on a watershed basis;

18 “(5) development of criteria for identifying wet-
19 lands restoration sites on a watershed basis; and

20 “(6) recommendation of procedures and ecologi-
21 cal criteria for wetlands restoration.

22 “(f) STATUTORY CONSTRUCTION.—Nothing in this
23 section is intended to affect the rights or obligations of
24 an agency (as defined in section 551 of title 5, United

1 States Code) of the Federal Government under any other
2 provision of Federal law.

3 “INTERGOVERNMENTAL WETLANDS COORDINATING
4 COMMITTEE

5 “SEC. 324. (a) ESTABLISHMENT.—Not later than 90
6 days after the date of the enactment of this section, the
7 Administrator shall establish a committee to coordinate
8 Federal, State, and local government wetlands policies (re-
9 ferred to in this section as the ‘Coordinating Committee’).
10 “(b) FUNCTIONS.—The Coordinating Committee
11 shall—

12 “(1) assist in coordinating Federal, State, and
13 local wetlands policies;

14 “(2) make comments available to the Secretary
15 of the Army, acting through the Chief of Engineers,
16 or to the Administrator regarding existing or pro-
17 posed regulatory programs, policies, or technical
18 guidance affecting wetlands systems;

19 “(3) in cooperation with the Secretary of the
20 Army, acting through the Chief of Engineers, and
21 the Administrator, assist in the review and field-test-
22 ing of technical and scientific methods utilized in
23 wetlands regulatory and nonregulatory programs;

24 “(4) encourage the development and implemen-
25 tation of State wetlands conservation plans pursuant
26 to section 322;

1 “(5) encourage the development and implemen-
2 tation of wetlands and watershed management plans
3 pursuant to section 323; and

4 “(6) assist in the development of a national
5 strategy for the restoration of wetlands ecosystems
6 pursuant to section 325.

7 “(c) MEMBERSHIP.—The Committee shall be com-
8 posed of 19 members and shall include the following:

9 “(1) The Administrator.

10 “(2) The Secretary of the Army, acting through
11 the Chief of Engineers.

12 “(3) The Secretary of the Interior, acting
13 through the Director of the United States Fish and
14 Wildlife Service.

15 “(4) The Secretary of Agriculture, acting
16 through the Chief of the Soil Conservation Service.

17 “(5) The Under Secretary of Commerce for
18 Oceans and Atmosphere.

19 “(6) 1 individual appointed by the Adminis-
20 trator, who shall represent the National Governors
21 Association.

22 “(7) 1 individual appointed by the Adminis-
23 trator, who shall represent the National Association
24 of Counties.

1 “(8) 1 individual appointed by the Adminis-
2 trator, who shall represent the National League of
3 Cities.

4 “(9) 10 State wetlands experts selected and ap-
5 pointed by the Administrator from among nomina-
6 tions submitted by each Governor of a State.

7 “(10) 1 individual appointed by the Adminis-
8 trator, who shall represent tribes that exercise gov-
9 ernmental authority over wetlands.

10 “(d) TERMS.—Each member appointed pursuant to
11 paragraph (6), (7), (8), (9), or (10) of subsection (c) shall
12 be appointed for a term of 2 years.

13 “(e) VACANCIES.—A vacancy in the Coordinating
14 Committee shall be filled, on or before the date that is
15 30 days after the vacancy occurs, in the manner in which
16 the original appointment was made.

17 “(f) PAY.—A member of the Coordinating Committee
18 who is not a Federal employee shall serve without com-
19 pensation and a member of the Coordinating Committee
20 who is a Federal employee shall receive no additional com-
21 pensation for participation on the Coordinating Commit-
22 tee, except that each member may receive travel expenses
23 (including per diem in lieu of subsistence) in accordance
24 with sections 5702 and 5703 of title 5, United States
25 Code.

1 “(g) COCHAIRPERSONS.—The Administrator and 1
 2 member appointed pursuant to paragraph (6), (7), or (8)
 3 of subsection (c) who shall be selected from among the
 4 members of the Coordinating Committee shall serve as co-
 5 chairpersons of the Coordinating Committee.

6 “NATIONAL COOPERATIVE WETLANDS RESTORATION
 7 STRATEGY

8 “SEC. 325. (a) DEVELOPMENT.—Not later than 1
 9 year after the date of enactment of this section, the Ad-
 10 ministrator and the Secretary of the Army, acting through
 11 the Chief of Engineers, in cooperation with the Coordinat-
 12 ing Committee established under section 324, and with op-
 13 portunity for public comment and participation, shall
 14 develop a National Cooperative Wetlands Restoration
 15 Strategy (referred to in this section as the ‘Restoration
 16 Strategy’).

17 “(b) GOALS.—The goal of the Restoration Strategy
 18 shall be to restore damaged and degraded wetlands and
 19 riparian ecosystems in a manner that is consistent with
 20 the goals of this Act and the recommendations of the Na-
 21 tional Academy of Sciences with regard to the restoration
 22 of aquatic ecosystems.

23 “(c) FUNCTIONS.—The Restoration Strategy shall—
 24 “(1) be designed to help coordinate and pro-
 25 mote restoration efforts by Federal, State, regional,
 26 and local governments, and the private sector;

1 “(2) inventory and evaluate then existing res-
2 toration efforts and make suggestions for the estab-
3 lishment of additional efforts and funding mecha-
4 nisms for such efforts consistent with existing Fed-
5 eral, State, and local programs and plans;

6 “(3) evaluate the role played by, and success of,
7 wetlands restoration efforts in both regulatory and
8 nonregulatory contexts;

9 “(4) evaluate then current efforts to monitor
10 restoration efforts and make recommendations to
11 improve monitoring protocols;

12 “(5) periodically report on the status of wet-
13 lands restoration efforts;

14 “(6) identify regulatory and nonregulatory ob-
15 stacles to wetlands ecosystem restoration and rec-
16 ommend methods to remove the obstacles; and

17 “(7) provide a plan for implementing the
18 strategy.

19 “(d) WETLANDS RESTORATION PILOT PROGRAM.—

20 “(1) IN GENERAL.—The Secretary of the Army
21 and the Administrator of the Environmental Protec-
22 tion Agency, in cooperation with the Coordinating
23 Committee established under section 324, and with
24 opportunity for public comment and participation,

1 shall establish a wetlands restoration pilot program
2 to—

3 “(A) identify areas where the restoration
4 of significant wetlands acreage and functions,
5 including fish and wildlife habitat, water quality
6 protection, and protection of natural hydrologic
7 functions, will contribute substantially to the
8 achievement of the goals established under sec-
9 tion 101(a)(8);

10 “(B) test methods and techniques for wet-
11 lands restoration in the areas described in para-
12 graph (1); and

13 “(C) develop methods to evaluate the long-
14 term success of wetlands restoration projects in
15 achieving the goals established under section
16 101(a)(8).

17 “(2) REPORTS.—Not later than 5 years after
18 the date of enactment of this paragraph, the Sec-
19 retary and the Administrator shall report to the
20 Committee on Environment and Public Works of the
21 Senate, the Committee on Public Works and Trans-
22 portation of the House of Representatives, and Com-
23 mittee on Merchant Marine and Fisheries of the
24 House of Representatives on the results of the wet-

1 lands restoration pilot program established under
2 this subsection.

3 “(3) FUNDING.—Wetlands restoration projects
4 carried out pursuant to this subsection shall be eligi-
5 ble for funding under section 104.”.

6 **SEC. 711. GRANTS TO STATES FOR OPERATION OF STATE**
7 **WETLANDS PROGRAMS.**

8 (a) IN GENERAL.—The Administrator of the Envi-
9 ronmental Protection Agency is authorized to make grants
10 to States to administer—

11 (1) a program approved pursuant to section
12 404(h)(2) of the Federal Water Pollution Control
13 Act (33 U.S.C. 1344(h)(2)); or

14 (2) a programmatic general permit under sec-
15 tion 404(e)(3) of such Act.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section
18 \$20,000,000 for each of fiscal years 1995, 1996, 1997,
19 and 1998.

20 **TITLE VIII—COASTAL**
21 **PROTECTION**

22 **SEC. 801. NATIONAL ESTUARY PROGRAM.**

23 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
24 320(i) (33 U.S.C. 1330(i)) is amended—

1 (1) by striking “1987, 1988, 1989, 1990, and
2 1991” and inserting “1987 through 1993 and
3 \$25,000,000 for each of fiscal years 1994 through
4 2000”;

5 (2) in paragraph (1)—

6 (A) by striking “, not to exceed” and all
7 that follows through the end of the paragraph;
8 and

9 (B) by adding “; and” at the end;

10 (3) in paragraph (2), by striking “; and” and
11 inserting a period; and

12 (4) by striking all after paragraph (2).

13 (b) MANAGEMENT PLANS.—Subsection (b) of section
14 320 (33 U.S.C. 1330(b)) is amended to read as follows:

15 “(b) PURPOSES OF CONFERENCE.—

16 “(1) IN GENERAL.—The purposes of a manage-
17 ment conference convened with respect to an estuary
18 under this section shall be to—

19 “(A) ensure, through a comprehensive
20 planning process, the full coordination, and the
21 full implementation, of this Act and any other
22 related Federal or State law; and

23 “(B) identify, plan, and support the imple-
24 mentation of projects, programs, and measures
25 that are necessary to attain and maintain com-

1 pliance with water quality standards and pro-
2 tect existing and designated uses of waters.

3 “(2) REQUIREMENTS.—To achieve the purposes
4 referred to in paragraph (1), a management con-
5 ference shall—

6 “(A) not later than 1 year after the date
7 on which the conference is convened—

8 “(i) identify existing information on
9 the environmental health of the estuary;

10 “(ii) identify the watershed area of
11 the estuary and the waters that signifi-
12 cantly affect the estuary;

13 “(iii) submit to the Administrator an
14 overall budget for the conference and re-
15 vise the budget annually;

16 “(iv) identify significant violations of
17 permits issued pursuant to section 402 for
18 discharges to waters identified pursuant to
19 clause (ii);

20 “(v) make recommendations to the
21 appropriate State agency to place multiple
22 discharges to a single segment of an estu-
23 ary on coordinated schedules for the issu-
24 ance of permits;

1 “(vi) identify and describe long-term
2 trends in water and sediment quality, nat-
3 ural resources, and uses of the estuary;
4 and

5 “(vii) collect and characterize existing
6 data on water quality and living and natu-
7 ral resources within the estuary and water-
8 shed area to identify the causes of environ-
9 mental problems;

10 “(B) not later than 2 years after the date
11 on which the conference is convened—

12 “(i) identify the major environmental
13 problems and priorities that the com-
14 prehensive conservation and management
15 plan will address, including objectives for
16 the protection and restoration of living and
17 natural resources;

18 “(ii) identify and assess inplace pol-
19 lutant loads and point and nonpoint pollut-
20 ant loadings to the estuary and watershed
21 area;

22 “(iii) conduct an analysis of any
23 changes to State law that may be nec-
24 essary to implement the conservation and

1 management plan required under subpara-
2 graph (C);

3 “(iv) make proposals to the State con-
4 cerning the adoption for waters that are
5 within the estuary that is the subject of
6 the conference (or waters that significantly
7 affect the estuary) of numerical water
8 quality criteria, including biological cri-
9 teria, for any pollutant with respect to
10 which the Administrator has published a
11 criteria document pursuant to section 304;
12 and

13 “(v) identify all pollutants and waters
14 within the estuary that is the subject of
15 the conference (or waters that significantly
16 affect the estuary) for which the develop-
17 ment of maximum daily loads are consid-
18 ered necessary pursuant to section 303 and
19 establish a schedule under which total
20 maximum daily loads and wasteload and
21 load allocations will be completed;

22 “(C) not later than 3 years after the date
23 on which the conference is convened, and in ac-
24 cordance with the guidance document published

1 under subsection (d), develop a comprehensive
2 conservation and management plan that—

3 “(i) identifies priority corrective ac-
4 tions (including policies enforceable under
5 State law);

6 “(ii) specifies schedules for imple-
7 menting corrective actions; and

8 “(iii) provides a detailed financial plan
9 indicating the level of Federal, State, and
10 local funding needed to implement the plan
11 and the means of attaining the funding;

12 “(D) monitor the effectiveness of actions
13 taken pursuant to the plan required under sub-
14 paragraph (C);

15 “(E) review each Federal financial assist-
16 ance program and Federal development project
17 in accordance with the requirements of Execu-
18 tive Order 12372, as in effect on September 17,
19 1983, to determine whether the assistance pro-
20 gram or project would be consistent with and
21 further the purposes and objectives of the plan
22 required under subparagraph (C);

23 “(F) identify all Federal activities (includ-
24 ing development projects, financial assistance
25 programs, and licensing and permitting activi-

ties) that may affect the requirements and objectives of the conservation and management plan required under subparagraph (C), and ensure the consistent and coordinated implementation of the activities with respect to the plan;

“(G) ensure that all permits issued under section 402 for dischargers that discharge within an estuary subject to a conservation and management plan or into waters that significantly affect the estuary are reviewed by appropriate authorities and, if necessary, revised not later than 1 year after the date of approval of the plan; and

“(H) identify portions of the conservation and management plan required under subparagraph (C) that should be included in a State coastal zone management program approved under section 306(c) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455(c)) and make appropriate recommendations to the Governor of the State and the Under Secretary for the inclusion of the portions of the plan in the program.

“(3) FEDERAL FINANCIAL ASSISTANCE PROGRAMS.—The programs and projects referred to in

1 paragraph (2)(E) shall not be limited to the assist-
2 ance programs and development projects subject to
3 Executive Order 12372, but may include any pro-
4 grams listed in the most recent Catalog of Federal
5 Domestic Assistance that may have an effect on the
6 purposes and objectives of the plan required under
7 paragraph (2)(C).”.

8 (c) MEMBERS OF CONFERENCE.—Section 320(c) (33
9 U.S.C. 1330(c)) is amended—

10 (1) in paragraph (3), by inserting after “Fed-
11 eral agency,” the following: “including any Federal
12 agency that has responsibility for conserving and
13 protecting living resources (including fish, shellfish,
14 and wildlife),”; and

15 (2) in paragraph (5), by inserting “(including
16 environmental organizations)” after “the general
17 public”.

18 (d) GUIDANCE DOCUMENT.—Subsection (d) of
19 section 320 (33 U.S.C. 1330(d)) is amended to read as
20 follows:

21 “(d) GUIDANCE DOCUMENT.—

22 “(1) IN GENERAL.—Not later than 270 days
23 after the date of enactment of this paragraph, the
24 Administrator shall issue a guidance document that
25 establishes guidelines for—

1 “(A) management conferences to follow in
 2 developing, implementing, and overseeing com-
 3 prehensive conservation and management plans
 4 developed under subsection (b); and

5 “(B) implementing interim actions (includ-
 6 ing enforcement actions) to protect the water
 7 quality of the estuary for which a conservation
 8 and management plan is developed.

9 “(2) PUBLICATION OF PROPOSED DOCU-
 10 MENT.—Not later than 180 days after the date of
 11 enactment of this paragraph, the Administrator shall
 12 publish a proposed guidance document under this
 13 subsection.”.

14 (e) APPROVAL AND IMPLEMENTATION OF CONSERVA-
 15 TION AND MANAGEMENT PLANS.—Subsection (f) of
 16 section 320 (33 U.S.C. 1330(f)) is amended to read as
 17 follows:

18 “(f) APPROVAL AND IMPLEMENTATION OF PLANS
 19 AND INTERIM ACTIONS.—

20 “(1) APPROVAL OF PLANS.—Not later than 120
 21 days after the date of the completion of a conserva-
 22 tion and management plan developed under sub-
 23 section (b) and after providing for public review and
 24 comment, the Administrator shall approve the plan
 25 if—

1 “(A) the plan complies with any applicable
2 guidance document published under subsection
3 (d);

4 “(B) the plan meets the requirements of
5 this section and is consistent with current law
6 or is more protective of the environment than
7 current law;

8 “(C) the plan specifies the implementation
9 responsibilities, including funding responsibil-
10 ities and implementation schedules, of the Fed-
11 eral Government and the State and local gov-
12 ernments that participated in the development
13 of the plan; and

14 “(D) each Governor of an affected State
15 concurs.

16 “(2) PUBLIC REVIEW AND COMMENT.—The Ad-
17 ministrator shall, before approving a conservation
18 and management plan, provide an opportunity for
19 public review and comment on the plan and, at a
20 minimum, hold a public hearing on the plan at a lo-
21 cation near the estuary.

22 “(3) IMPLEMENTATION.—On approval of a con-
23 servation and management action under this sub-
24 section, any responsibility that is assigned to the Ad-
25 ministrator by the plan that the Administrator is re-

1 quired to achieve by a date specified in the plan
2 shall, for the purposes of section 505 and any other
3 provision of this Act, be considered a nondiscretion-
4 ary duty. In approving a plan pursuant to paragraph
5 (1), the Administrator may specify conditions or
6 qualifications with regard to actions that shall be
7 taken by the Administration to implement the plan.

8 “(4) ASSISTANCE OF ADMINISTRATOR.—The
9 Administrator shall provide assistance to the man-
10 agement conference, including administrative and
11 technical assistance, for the implementation of the
12 plan and shall—

13 “(A) coordinate Federal programs nec-
14 essary for implementing the plan or interim
15 action;

16 “(B) make recommendations to the man-
17 agement conference concerning enforcement
18 and technical assistance activities necessary to
19 ensure compliance with, and implementation of,
20 the plan or interim action;

21 “(C) collect, and make available to the
22 public, publications and other forms of informa-
23 tion relating to the implementation of the plan
24 or interim action; and

1 “(D) to the extent funds are available,
2 make grants under the authority provided to
3 the Administrator under this title.

4 “(5) FUNDING.—Funds authorized to be appro-
5 priated under titles II and VI, section 319, and this
6 section may be used in accordance with the applica-
7 ble requirements of this Act to assist States with the
8 implementation of conservation and management
9 plans under this section.

10 “(6) CONSISTENCY.—On approval of a con-
11 servation and management plan under this section,
12 each activity of a Federal agency identified pursuant
13 to subsection (b)(2)(E) with respect to the plan
14 shall, to the maximum extent practicable, be con-
15 ducted in a manner that is consistent with the plan.

16 “(7) WATERSHED PLAN.—On approval of a
17 conservation and management plan under this sub-
18 section, the plan shall, for the purposes of this Act,
19 be considered to be an approved watershed manage-
20 ment plan for the purposes of section 321.”.

21 (f) RESEARCH.—Subsection (j) of section 320 (33
22 U.S.C. 1330(j)) is amended to read as follows:

23 “(j) RESEARCH.—

24 “(1) RESEARCH PROGRAM.—The Administrator
25 is authorized to carry out a coordinated program of

1 research and monitoring to support the assessment
2 of each estuary for which a management conference
3 is convened pursuant to this section.

4 “(2) CONTENT OF PROGRAM.—The research
5 program carried out pursuant to this subsection
6 shall include—

7 “(A) a comprehensive program of water
8 and sediment quality monitoring to determine
9 with respect to an estuary—

10 “(i) variations in pollutant concentra-
11 tions, marine ecology, and other physical
12 or biological environmental parameters
13 that may affect the estuary; and

14 “(ii) the potential and actual effects
15 of alternative management strategies and
16 measures;

17 “(B) a program of ecosystem assessment
18 to assist in the development of—

19 “(i) baseline studies to determine the
20 biological conditions of each estuary and
21 the effects of natural and anthropogenic
22 changes in the estuary; and

23 “(ii) predictive models that are capa-
24 ble of translating information concerning
25 specific discharges or general pollutant

1 loadings within each estuary into a set of
2 probable effects on biological conditions in
3 the waters of the estuary;

4 “(C) a program of research to identify the
5 movements of nutrients, sediments, and pollut-
6 ants through the estuary and the impact of nu-
7 trients, sediments, and pollutants on water
8 quality and designated or potential uses of the
9 waters of the estuary; and

10 “(D) a program of research to determine
11 the water quality and habitat requirements nec-
12 essary for the attainment and maintenance of
13 designated uses and the continued viability and
14 enhancement of living resources.

15 “(3) COOPERATIVE ACTIVITY.—In carrying out
16 the research program under this subsection, the Ad-
17 ministrator shall cooperate with each affected man-
18 agement conference and State, and the heads of ap-
19 propriate Federal agencies, including the Under Sec-
20 retary and the Director of the United States Fish
21 and Wildlife Service.”.

22 (g) GRANTS.—Section 320(g) (33 U.S.C. 1330(g)) is
23 amended by striking paragraphs (2) and (3) and inserting
24 the following new paragraphs:

1 “(2) PURPOSES.—A grant awarded under this
2 section may be used to—

3 “(A) support an initial management con-
4 ference and the development of a conservation
5 and management plan under this section; and

6 “(B) support the operation of the manage-
7 ment conference after approval of a conserva-
8 tion and management plan, including oversight
9 of the implementation of the plan and the im-
10 plementation of programs, projects, or activi-
11 ties, giving priority to programs, projects, or ac-
12 tivities that are not eligible to receive Federal
13 assistance under section 319 or 603(c)(1)
14 (other than section 603(c)(1)(C)).

15 “(3) DEVELOPMENT OF CONSERVATION AND
16 MANAGEMENT PLANS.—

17 “(A) IN GENERAL.—The Federal share of
18 a grant awarded under paragraph (2)(A) for a
19 fiscal year shall be—

20 “(i) an amount not to exceed 75 per-
21 cent of the annual cost of the management
22 conference referred to in paragraph (2)(A);
23 and

24 “(ii) awarded on the condition that
25 the non-Federal share of the cost of the

1 management conference shall be paid from
2 non-Federal sources.

3 “(B) DURATION.—A person referred to in
4 paragraph (1) (including a State, interstate, or
5 regional agency or entity) may be awarded a
6 grant under paragraph (2)(A) for a period of
7 not to exceed 3 fiscal years.

8 “(4) GRANTS TO MAINTAIN MANAGEMENT CON-
9 FERENCES AND IMPLEMENT PLANS.—

10 “(A) PROHIBITION.—If, in the judgment
11 of the Administrator, a person referred to in
12 paragraph (1) (including a State, interstate, or
13 regional agency or entity) has—

14 “(i) not received approval by the Ad-
15 ministrator for a conservation and man-
16 agement plan; or

17 “(ii) failed substantially to ensure the
18 implementation of a conservation and man-
19 agement plan,

20 the Administrator may not award a grant to
21 the person under paragraph (2)(B).

22 “(B) FEDERAL SHARE.—The Federal
23 share of a grant awarded under paragraph
24 (2)(B) for a fiscal year shall be—

1 “(i) an amount not to exceed 50 per-
2 cent of the annual costs of the eligible ac-
3 tivity that is the subject of the grant; and

4 “(ii) awarded on the condition that
5 the non-Federal share of the grant shall be
6 paid from non-Federal sources.

7 “(5) REPORT TO THE ADMINISTRATOR.—Each
8 person who receives a grant under this subsection
9 shall be required, as a condition of receiving the
10 grant, to submit a report to the Administrator, not
11 later than 18 months after receipt of the grant
12 award, describing the progress of the grant recipient
13 in carrying out the purposes of the grant.”.

14 (h) PRIORITY ESTUARY.—Section 320(a)(2)(B) (33
15 U.S.C. 1330(a)(2)(B)) is amended by inserting “Charlotte
16 Harbor, Florida;” after “Sarasota Bay, Florida;”.

17 (i) STATUTORY CONSTRUCTION.—No amendment
18 made pursuant to this Act to section 320 of the Federal
19 Water Pollution Control Act (33 U.S.C. 1330) is intended
20 to affect the status of approval of any conservation and
21 management plan approved by the Administrator pursu-
22 ant to such section before the date of enactment of this
23 Act.

1 **SEC. 802. MARINE WATER QUALITY CRITERIA AND STAND-**
2 **ARDS.**

3 (a) ISSUANCE OF CRITERIA FOR MARINE WATERS.—
4 Section 304(a) (33 U.S.C. 1314(a)), as amended by sec-
5 tion 613(b)(2), is further amended by adding at the end
6 the following new paragraphs:

7 “(14) COASTAL RECREATION WATERS.—

8 “(A) IN GENERAL.—Not later than 5 years
9 after the date of enactment of this paragraph,
10 after consultation with appropriate Federal and
11 State agencies and other interested persons, the
12 Administrator shall revise water quality criteria
13 for pathogens. The revised criteria shall—

14 “(i) be based on the best available sci-
15 entific information;

16 “(ii) provide for comprehensive protec-
17 tion against fecally borne and nonenteric
18 pathogens (including protozoan and viral
19 pathogens); and

20 “(iii) specify numeric criteria cal-
21 culated to reflect public health risks from
22 pathogens in coastal recreation waters, in-
23 cluding short-term increases in pathogens
24 resulting from rainfall, malfunctions of
25 wastewater treatment works, and other
26 causes.

1 “(B) COASTAL RECREATION WATERS DE-
2 FINED.—As used in this paragraph, the term
3 ‘coastal recreation waters’ means marine waters
4 that the State determines are regularly used by
5 the general public for swimming, bathing, or
6 other similar primary contact purposes.

7 “(15) AQUATIC LIFE CRITERIA FOR MARINE
8 WATERS.—

9 “(A) NEW CRITERIA.—Beginning on the
10 date of enactment of this paragraph, the Ad-
11 ministrator shall require that any criteria and
12 information published pursuant to this sub-
13 section shall address aquatic life in marine wa-
14 ters.

15 “(B) EXISTING CRITERIA.—Not later than
16 3 years after the date of enactment of this
17 paragraph, the Administrator shall revise the
18 aquatic life criteria for each pollutant with re-
19 spect to which aquatic life criteria for fresh-
20 water have been published as of the date of en-
21 actment of this paragraph and revise the cri-
22 teria to address aquatic life in marine waters,
23 unless the Administrator determines that the
24 pollutant is not found in marine waters.”.

1 (b) STATE ADOPTION OF STANDARDS FOR COASTAL
2 RECREATION WATERS.—Section 303(a), as amended by
3 section 613(b)(3), is further amended by adding at the
4 end the following new paragraph:

5 “(9) STATE ADOPTION OF STANDARDS FOR
6 COASTAL RECREATION WATERS.—

7 “(A) IN GENERAL.—Each State that has
8 coastal recreation waters (as defined in section
9 304(a)(14)(B)) shall adopt water quality stand-
10 ards for coastal recreation waters for pathogens
11 not later than 3 years after the date of enact-
12 ment of this paragraph and not later than 3
13 years after the date of publication of any re-
14 vised criteria for pathogens pursuant to section
15 304(a)(14). The water quality standards shall
16 be developed in accordance with the require-
17 ments of this subsection.

18 “(B) FAILURE TO ADOPT STANDARDS.—If
19 a State fails to adopt standards pursuant to
20 subparagraph (A) that are approved by the Ad-
21 ministrator by the date specified in subpara-
22 graph (A), the criteria referred to in subpara-
23 graph (A) shall be the applicable State water
24 quality standard until such time as the State
25 adopts, and the Administrator approves, a re-

1 vised standard in accordance with this section.
2 The State shall apply the standards issued by
3 the Administrator in carrying out all of the pro-
4 grams pursuant to this Act, except that, in the
5 case of a permit issued pursuant to subsection
6 402(q), the adoption of a standard pursuant to
7 this paragraph shall not be a basis for revising
8 the permit prior to the termination of the pe-
9 riod established in subsection (q)(2).’’.

10 (c) MARINE WATER QUALITY STANDARDS.—Section
11 303(a) (33 U.S.C. 1313(a)), as amended by subsection
12 (b), is further amended by adding at the end the following
13 new paragraph:

14 “(10) MARINE WATER QUALITY STANDARDS.—

15 “(A) IN GENERAL.—Not later than 2 years
16 after the date of enactment of this paragraph,
17 and periodically thereafter, the Administrator
18 shall, by regulation, establish numeric water
19 quality standards for marine waters that—

20 “(i) are not located within the juris-
21 diction of a State; and

22 “(ii) are located within 200 miles sea-
23 ward of the landward boundary of the ter-
24 ritorial seas.

“(B) COVERED POLLUTANTS.—The standards established pursuant to subparagraph (A) shall be for pollutants with respect to which criteria have been published under section 304(a) or that could reasonably be expected to interfere with the protection of waters pursuant to subparagraph (C).

“(C) PROTECTION OF FISH, SHELLFISH, AND WILDLIFE.—The standards established pursuant to subparagraph (A) shall ensure the protection and propagation of fish, shellfish, and wildlife.”.

SEC. 803. NATIONAL MARINE WATER QUALITY EDUCATION PROGRAM.

Section 519, as added by section 607(a)(2), is amended—

(1) in the first sentence, by inserting before “The Administrator shall establish” the following:

“(a) IN GENERAL.—”; and

(2) by adding at the end the following new subsections:

“(b) MARINE WATER QUALITY OUTREACH.—

“(1) IN GENERAL.—The Administrator shall establish a national program to provide information, education, and technical assistance to owners of land

1 bordering marine water, including practices to pre-
2 vent water pollution and protect habitat and signifi-
3 cant natural resources.

4 “(2) IDENTIFICATION.—Any owner of marine
5 land may submit to the Administrator an application
6 for participation in the education program estab-
7 lished under this section. Each application submitted
8 under this subsection shall contain such basic infor-
9 mation as the Administrator determines to be appro-
10 prium.

11 “(3) STATE PARTICIPATION.—At the request of
12 a Governor of a State, the Administrator may dele-
13 gate to a State the operation of an information and
14 education program that meets requirements that the
15 Administrator shall establish. The cost associated
16 with activities carried out by the State pursuant to
17 this section shall be considered an eligible cost with
18 respect to funding provided under section 106.

19 “(c) OCEAN WATCH PROGRAM.—

20 “(1) ESTABLISHMENT.—Not later than 18
21 months after the date of enactment of this sub-
22 section, the Administrator shall, by regulation, es-
23 tablish a program to be known as the ‘Ocean Watch
24 Program’ (referred to in this paragraph as the ‘Pro-
25 gram’) to encourage nonprofit citizens groups to en-

1 gage in activities to assess and protect marine and
2 ocean waters.

3 “(2) CONTENTS OF REGULATIONS.—The regu-
4 lations issued pursuant to paragraph (1) shall estab-
5 lish—

6 “(A) a process for identifying citizens
7 groups interested in participating in the Pro-
8 gram;

9 “(B) a national registry of citizens groups
10 participating in the Program and the marine
11 waters with respect to which the groups engage
12 in assessment and protection activities;

13 “(C) minimum conditions to be met by a
14 citizens group that participates in the Program,
15 including—

16 “(i) a minimum requirement for the
17 monitoring of marine water quality;

18 “(ii) periodic reports of marine protec-
19 tion activities;

20 “(iii) the identification of the water-
21 shed area of each marine water with re-
22 spect to which the group engages in assess-
23 ment and protection activities; and

24 “(iv) periodic renewal of participation;
25 and

1 “(D) a process for approval of the partici-
2 pation of a group in the Program.

3 “(3) OCEAN WATCH AWARD.—The Adminis-
4 trator shall provide an annual award, to be known
5 as the ‘Ocean Watch Award’, to 1 citizens group
6 participating in the Program in each State, that has
7 demonstrated an outstanding commitment to ocean
8 assessment and protection.

9 “(4) PROGRAM COORDINATION.—The Adminis-
10 trator shall inform each citizens group participating
11 in the Program of pollution control activities within
12 the watershed area of each marine water with re-
13 spect to which the group engages in assessment and
14 protection activities, including—

15 “(A) the award of grant assistance pursu-
16 ant to this section;

17 “(B) the initiation of an enforcement ac-
18 tion pursuant to section 309;

19 “(C) the award of an incentive or dem-
20 onstration grant pursuant to section 319;

21 “(D) the issuance of a permit pursuant to
22 section 402; and

23 “(E) the award of a loan or other assist-
24 ance pursuant to title VI.

1 “(5) DELEGATION OF AUTHORITY.—The Ad-
2 ministrator may delegate the authority to carry out
3 paragraph (4) to a State.”.

4 **SEC. 804. MARINE SANITATION DEVICES.**

5 (a) PROHIBITION OF DISCHARGE TO DESIGNATED
6 WATERS.—

7 (1) ACTION BY STATE.—Section 312(f)(3) (33
8 U.S.C. 1322(f)(3)) is amended by striking “, except
9 that” and all that follows through the end of the
10 paragraph and inserting “if the State determines
11 that adequate facilities for the safe and sanitary re-
12 moval and treatment of sewage from all vessels are
13 reasonably available (as defined in guidelines issued
14 pursuant to the Clean Vessel Act of 1992 (subtitle
15 F of title V of Public Law 102–587; 33 U.S.C. 1322
16 note).

17 (2) ACTION BY ADMINISTRATOR.—Section
18 312(f)(4)(A) (33 U.S.C. 1322(f)(4)(A)) is amended
19 by striking “upon application by a State”.

20 (3) UNLAWFUL ACTS.—Section 312(h) (33
21 U.S.C. 1322(h)) is amended—

22 (A) by striking “and” at the end of para-
23 graph (3);

24 (B) by striking the period at the end of
25 paragraph (4) and inserting a semicolon; and

1 (C) by adding at the end the following new
2 paragraphs:

3 “(5) for any person to discharge sewage
4 (whether treated or untreated) into a water des-
5 ignated pursuant to paragraph (3) or (4) of sub-
6 section (f); and

7 “(6) for any person to discharge to navigable
8 waters sewage that has not been treated by a marine
9 sanitation device required under this section.”.

10 (4) CONFORMING AMENDMENTS.—

11 (A) Section 301(a) (33 U.S.C. 1311(a)) is
12 amended by inserting “312,” after “307,”.

13 (B) Section 312(f)(1)(A) (33 U.S.C.
14 1322(f)(1)(A)) is amended by striking “or use”.

15 (b) CIVIL PENALTIES.—The first sentence of section
16 312(j) (33 U.S.C. 1322(j)) is amended—

17 (1) by striking “clause (1) or (2)” and inserting
18 “paragraph (1) or (2)”; and

19 (2) by striking “clause (4)” and inserting
20 “paragraph (4), (5), or (6)”.

21 (c) ENFORCEMENT.—Subsection (k) of section 312
22 (33 U.S.C. 1322(k)) is amended to read as follows:

23 “(k) ENFORCEMENT.—

24 “(1) IN GENERAL.—The Secretary of the de-
25 partment in which the Coast Guard is operating (re-

1 ferred to in this subsection as the ‘Secretary’) shall
2 carry out the enforcement of this section. The head
3 of another Federal agency may enter into an agree-
4 ment with the Secretary to—

5 “(A) detail to the Secretary, with or with-
6 out reimbursement, law enforcement officers or
7 personnel to assist the Secretary in carrying out
8 this section; and

9 “(B) provide facilities for use by the Sec-
10 retary in carrying out this section.

11 “(2) VESSEL POLLUTION EDUCATION FUND.—

12 All amounts collected by the Secretary under this
13 section shall be deposited into a special fund of the
14 Treasury of the United States to be known as the
15 ‘Vessel Pollution Education Fund’. The fund shall
16 be available to the Coast Guard to carry out the ac-
17 tivities referred to in subsection (n).

18 “(3) STATE ENFORCEMENT.—The provisions of
19 this section may also be enforced by a State.”.

20 (d) MARINE SANITATION DEVICES.—

21 (1) TECHNOLOGY IMPROVEMENTS.—Section
22 312(c)(1)(A) (33 U.S.C. 1322(c)(1)(A)) is amended
23 by adding at the end the following new sentence:
24 “The standards and regulations referred to in this
25 subparagraph shall be reviewed and revised to reflect

1 improvements in technology relating to marine sani-
2 tation devices not later than 3 years after the date
3 of enactment of this sentence, and not less fre-
4 quently than every 10 years thereafter.”.

5 (2) REVIEW.—Section 312(c)(2) (33 U.S.C.
6 1322(c)(2)) is amended by adding at the end the fol-
7 lowing new sentences: “Except for a waiver for an
8 individual vessel, the Secretary of the department in
9 which the Coast Guard is operating shall review each
10 waiver of a standard or regulation under this sec-
11 tion. If the Secretary considers that a revision of the
12 waiver would be appropriate to take into account
13 technology relating to marine sanitation devices, the
14 Secretary shall revise the waiver.”.

15 (3) DEADLINE.—The last sentence of section
16 312(b)(1) (33 U.S.C. 1322(b)(1)) is amended by in-
17 serting before the period at the end the following:
18 “not later than 2 years after the date of establish-
19 ment or revision of the standards”.

20 (e) MARINE SANITATION DEVICE PUMPOUT STA-
21 TIONS.—

22 (1) IN GENERAL.—Section 603(c)(1) (33
23 U.S.C. 1383(c)(1)), as amended by section
24 101(a)(2), is further amended by adding at the end
25 the following new subparagraph:

1 “(L) The construction of a marine sanita-
2 tion pumpout station provided for in a plan ap-
3 proved pursuant to section 5603(c) of the Clean
4 Vessel Act of 1992 (subtitle F of title V of Pub-
5 lic Law 102–587; 33 U.S.C. 1322 note).”.

6 (2) COMPLIANCE WITH PLAN.—Section 312(h)
7 (33 U.S.C. 1322(h)), as amended by subsection
8 (a)(3), is further amended—

9 (A) by striking “and” at the end of para-
10 graph (5);

11 (B) by striking the period at the end of
12 paragraph (6) and inserting “; and”; and

13 (C) by adding at the end the following new
14 paragraph:

15 “(7) for the owner or operator of a marina that
16 has a docking or mooring capacity for more than
17 500 vessels—

18 “(A) beginning on January 1, 2000, to fail
19 to provide pumpout stations and waste recep-
20 tion facilities for marine sanitation devices un-
21 less a plan developed pursuant to the Clean
22 Vessel Act of 1992 (subtitle F of title V of Pub-
23 lic Law 102–587; 33 U.S.C. 1322 note) ex-
24 pressly waives this requirement; and

1 “(B) to fail to comply with a plan for
2 pumpout stations developed pursuant to that
3 Act.”.

4 (f) EDUCATION.—Section 312 (33 U.S.C. 1322) is
5 amended by adding at the end the following new sub-
6 section:

7 “(n) EDUCATION.—

8 “(1) IN GENERAL.—The Secretary of the de-
9 partment in which the Coast Guard is operating, in
10 consultation with the Administrator, shall carry out
11 a comprehensive program of information and edu-
12 cation to—

13 “(A) encourage compliance with the re-
14 quirements of this section; and

15 “(B) foster an increased understanding of
16 the importance of water quality and methods of
17 preventing water pollution.

18 “(2) GRANT ASSISTANCE.—The Secretary of
19 the department in which the Coast Guard is operat-
20 ing is authorized to award grants to, or enter into
21 cooperative agreement with, the appropriate officials
22 of other Federal agencies, States, and nonprofit or-
23 ganizations to carry out this section.

24 “(3) AUTHORIZATION.—There are authorized to
25 be appropriated to the department in which the

1 Coast Guard is operating such sums as may be nec-
2 essary to carry out this subsection.”.

3 (g) DEFINITIONS.—Section 312(a) (33 U.S.C.
4 1322(a)) is amended—

5 (1) in paragraphs (1) and (2), by inserting “ap-
6 plicable” after “promulgation of”;

7 (2) by striking the period at the end of para-
8 graph (11) and inserting a semicolon; and

9 (3) by adding at the end the following new
10 paragraphs:

11 “(12) ‘fuel overflow containment device’ means
12 a device installed on a vessel to prevent or reduce
13 the release of engine fuel to navigable waters during
14 fueling;

15 “(13) ‘pumpout station’ has the same meaning
16 as is provided the term in section 5608(6) of the
17 Clean Vessel Act of 1992 (subtitle F of title V of
18 Public Law 102–587; 33 U.S.C. 1322 note); and

19 “(14) ‘waste reception facility’ has the same
20 meaning as is provided the term in section 5608(8)
21 of the Clean Vessel Act of 1992 (subtitle F of title
22 V of Public Law 102–587; 33 U.S.C. 1322 note).”.

23 **SEC. 805. OCEAN DISCHARGE CRITERIA.**

24 (a) CLARIFICATION OF SCOPE.—

1 (1) IN GENERAL.—Section 403(a) (33 U.S.C.
2 1343(a)) is amended—

3 (A) by striking “(a) No permit” and all
4 that follows through the end of the first sen-
5 tence and inserting the following:

6 “(a) IN GENERAL.—

7 “(1) CRITERIA.—No permit may be issued
8 under section 402 for a discharge into the territorial
9 seas, the waters of the contiguous zone, the oceans,
10 or any waters identified in or pursuant to subsection
11 (e), if, on the basis of an assessment of the guide-
12 lines established under subsection (c) and the analy-
13 sis required under subsection (d), the Administrator
14 determines that—

15 “(A) the discharge may cause or contribute
16 to the violation of water and sediment quality
17 standards established pursuant to section 303,
18 including designated uses; or

19 “(B) alternatives to the discharge were not
20 adequately evaluated.”;

21 (B) by striking “Prior to” and inserting
22 the following:

23 “(2) ISSUANCE IN PUBLIC INTEREST.—Prior
24 to”; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(3) WAIVERS.—In the case of waters within
4 an estuary or estuarine zone identified pursuant to
5 subsection (e), the Governor of a State may, after
6 providing for public notice, request that the Admin-
7 istrator waive the application of this section to a
8 specific permit or class of permits. The Adminis-
9 trator shall grant a request to waive the application
10 of this section on the basis of a finding that a State
11 has demonstrated that a waiver is necessary and
12 appropriate.”.

13 (2) PROHIBITION.—Section 403(b) (33 U.S.C.
14 1343(b)) is amended by striking “into the territorial
15 sea” and inserting the following: “pursuant to this
16 section”.

17 (b) BIOLOGICAL TESTING.—Section 403(c)(1) (33
18 U.S.C. 1343(c)(1)) is amended—

19 (1) in subparagraph (F), by striking “and” at
20 the end;

21 (2) in subparagraph (G), by striking the period
22 at the end and inserting “; and”; and

23 (3) by adding at the end the following new sub-
24 paragraph:

1 “(H) methods, procedures, and requirements
2 for biological testing that shall, at a minimum, re-
3 quire that any reference site be substantially free of
4 contamination consistent with the procedures estab-
5 lished pursuant to the Marine Protection, Research,
6 and Sanctuaries Act of 1972 (33 U.S.C. 1401 et
7 seq.).”.

8 (c) LIMITATION OF REGULATIONS.—Section
9 403(c)(2) (33 U.S.C. 1343(c)(2)) is amended by adding
10 at the end the following new sentence: “Any exemption
11 to a limitation established under this paragraph that is
12 included in a regulation shall be considered null and
13 void.”.

14 (d) POLLUTION PREVENTION AND PRIORITY MARINE
15 WATERS.—Section 403 (33 U.S.C. 1343) is amended by
16 adding at the end the following new subsections:

17 “(d) POLLUTION PREVENTION AND PRIORITY MA-
18 RINE WATERS.—

19 “(1) IN GENERAL.—In assessing the effects of
20 a proposed discharge to marine waters, the Adminis-
21 trator shall take into consideration, in addition to
22 the guidelines established pursuant to subsection (c),
23 an analysis of alternatives to the discharge by the
24 permit applicant.

1 “(2) GUIDANCE.—Not later than 1 year after
2 the date of enactment of this paragraph, the Admin-
3 istrator shall publish guidance that describes—

4 “(A) pollution prevention methods; and

5 “(B) the expectations of the Administrator
6 with regard to the demonstrations required by
7 paragraph (1).

8 “(e) PRIORITY MARINE WATERS.—

9 “(1) IN GENERAL.—Not later than 1 year after
10 the date of enactment of this subsection, and bienni-
11 ally thereafter, the Administrator shall, in consulta-
12 tion with the Under Secretary and coastal States,
13 identify and list, pursuant to this subsection, marine
14 waters that—

15 “(A) do not support the protection and
16 propagation of fish, shellfish, and wildlife, and
17 allow for recreational activities in and on the
18 waters; or

19 “(B) in the judgment of the Administrator,
20 are not likely to have the capability of ensuring
21 the future protection and propagation of fish,
22 shellfish, and wildlife, and allow for recreational
23 activities in and on the water.

1 “(2) SELECTION.—In selecting marine waters
2 pursuant to paragraph (1), the Administrator shall
3 consider—

4 “(A) the extent and seriousness of water
5 quality impairment;

6 “(B) the presence of toxic or other con-
7 taminants in sediment and the potential for mi-
8 gration of the contamination to water or aquat-
9 ic organisms;

10 “(C) the condition of aquatic life and relat-
11 ed habitat, including the presence of threatened
12 or endangered species;

13 “(D) the likely effect of contaminants on
14 human health, aquatic life, and related habitat,
15 recreational and commercial opportunities, and
16 marine ecological values;

17 “(E) the presence of floatables in the area
18 that adversely affect commercial and rec-
19 reational opportunities;

20 “(F) anticipated total increases in pollu-
21 tion loadings and floatables in the area; and

22 “(G) the recommendations of appropriate
23 officials of Federal agencies, State and local
24 governments, and citizens.

1 “(3) PUBLIC REVIEW.—In listing marine waters
2 pursuant to paragraph (1), the Administrator shall
3 provide for public review and comment.

4 “(4) INTERIM ACTIONS.—The Administrator
5 shall, as expeditiously as practicable, and in coordi-
6 nation with the appropriate officials of affected
7 State and local governments, take such actions as
8 are necessary and appropriate to prevent the further
9 degradation of water and sediment quality of a pri-
10 ority marine water.

11 “(5) DUTIES OF THE ADMINISTRATOR.—Not
12 later than 1 year after the Administrator lists a pri-
13 ority marine water pursuant to this subsection, the
14 Administrator shall—

15 “(A) prepare and publish an overview and
16 assessment of environmental conditions in the
17 priority marine water;

18 “(B) review the water and sediment qual-
19 ity standards for the priority marine water and
20 make recommendations to the appropriate offi-
21 cial of the State concerning any needed revi-
22 sions and additions to the standards;

23 “(C) identify and describe the principal
24 point sources of discharges to the priority ma-
25 rine water (including industrial discharges to

1 the publicly owned treatment works discharging
2 to the water) and make recommendations to the
3 authority that issues permits concerning the is-
4 suance or reissuance of permits pursuant to
5 section 402 and concerning individual control
6 mechanisms;

7 “(D) identify and describe the principal
8 nonpoint sources of pollution that affect the
9 priority marine water and make recommenda-
10 tions to the appropriate official of the State
11 agency that implements an approved plan pur-
12 suant to section 319 concerning necessary and
13 appropriate interim actions; and

14 “(E) consider the implementation of prohi-
15 bitions pursuant to sections 312(f)(4) and
16 404(c).

17 “(6) NOTIFICATION BY ADMINISTRATOR.—The
18 Administrator shall notify the appropriate official of
19 a department or agency of the Federal Government
20 or of a State or local government of any interim ac-
21 tion carried out pursuant to this subsection.

22 “(7) FINAL AGENCY ACTION.—The identifica-
23 tion and listing of a water pursuant to the require-
24 ments of this subsection shall constitute a final
25 agency action.”.

1 (e) CONFORMING AMENDMENT.—Section 301(a) (33
2 U.S.C. 1311(a)) is amended by inserting “403,” before
3 “and 404”.

4 **SEC. 806. COMBINED SEWER OVERFLOW CONTROL ASSIST-**
5 **ANCE.**

6 (a) IN GENERAL.—The Secretary of the Army (re-
7 ferred to in this section as the “Secretary”), acting
8 through the Chief of Engineers of the Department of the
9 Army, is authorized to enter into local cooperation agree-
10 ments to provide financial assistance to local governments
11 for the construction of facilities for the control of over-
12 flows from combined storm and sanitary sewers to marine
13 waters.

14 (b) PROJECT IDENTIFICATION.—

15 (1) APPLICATION.—Any municipality with a
16 plan for the control of combined sewer overflows to
17 marine waters that has been approved by the Ad-
18 ministrator of the Environmental Protection Agency
19 (referred to in this section as the “Administrator”)
20 as consistent with the requirements of section
21 402(q) of the Federal Water Pollution Control Act
22 (33 U.S.C. 1342(q)) may submit to the Secretary an
23 application for assistance under this section.

24 (2) REVIEW OF APPLICATION.—The Secretary
25 shall, with the cooperation and concurrence of the

1 Administrator, review the applications submitted
2 pursuant to paragraph (1) and rank the applica-
3 tions. In ranking the applications, the Secretary
4 shall give equal weight to—

5 (A) the potential for the project to protect
6 public health and the environment; and

7 (B) the financial burden on a community
8 as a result of the high costs of the project or
9 the lack of alternative Federal, State, or local
10 funding sources.

11 (3) PRIORITY.—Notwithstanding paragraph
12 (2), the Secretary shall give priority to any applica-
13 tion made pursuant to paragraph (1) that would im-
14 plement the recommendations of a comprehensive
15 conservation and management plan approved by the
16 Administrator pursuant to section 320 of the Fed-
17 eral Water Pollution Control Act (33 U.S.C. 1330).

18 (c) PROJECT ASSISTANCE.—

19 (1) NON-FEDERAL SHARE.—Except as provided
20 in paragraph (3), the non-Federal sponsor of a
21 project that receives assistance under this section
22 shall provide a non-Federal share in an amount
23 equal to not less than 25 percent of the cost of the
24 project.

1 (2) CREDIT FOR CERTAIN NONMONETARY CON-
2 TRIBUTIONS.—An amount equal to the value of any
3 land, easement, right-of-way, or reallocation pro-
4 vided for the project by a non-Federal sponsor shall
5 be credited to the non-Federal share referred to in
6 paragraph (1), except that any amount credited pur-
7 suant to this paragraph may not exceed 25 percent
8 of the cost of the project.

9 (3) OPERATION AND MAINTENANCE COSTS.—
10 The non-Federal share of the operation and mainte-
11 nance costs of a project assisted pursuant to this
12 section shall be 100 percent.

13 (d) PLANNING REQUIREMENTS.—

14 (1) IN GENERAL.—The Secretary may not enter
15 into a local cooperation agreement under this section
16 unless the Secretary, in consultation with the Ad-
17 ministrator, has determined that the project—

18 (A) is consistent with plans developed pur-
19 suant to the Federal Water Pollution Control
20 Act (33 U.S.C. 1251 et seq.); and

21 (B) will not result in the violation of any
22 provision of such Act.

23 (2) REVIEW.—The Secretary, in cooperation
24 with the Administrator, shall review each application
25 submitted pursuant to subsection (b) to determine

1 whether the project that is the subject of the appli-
 2 cation will achieve such controls of combined sewer
 3 overflows as are required under applicable require-
 4 ments of law at the lowest possible cost. The Sec-
 5 retary may not enter into a local cooperation agree-
 6 ment under this section unless the Secretary has de-
 7 termined pursuant to this paragraph that the cost of
 8 the project that is the subject of the agreement is
 9 the lowest possible cost.

10 (e) AUTHORIZATION OF APPROPRIATIONS.—There
 11 are authorized to be appropriated to carry out this section
 12 such sums as may be necessary for each of fiscal years
 13 1994 through 2000, to remain available until expended.

14 **SEC. 807. COASTAL BEACH WATER QUALITY MONITORING.**

15 Title IV (33 U.S.C. 1341 et seq.) is amended by add-
 16 ing at the end the following new section:

17 “COASTAL BEACH WATER QUALITY MONITORING

18 “SEC. 406. (a) MONITORING.—

19 “(1) IN GENERAL.—Not later than 18 months
 20 after the date of enactment of this section, the Ad-
 21 ministrator shall publish regulations specifying
 22 methods to be used by States to monitor coastal
 23 recreation waters in a cost-effective manner during
 24 periods of use by the public to assess compliance
 25 with applicable water quality standards for those wa-
 26 ters and protection of the public safety. The Admin-

1 istrator shall use negotiated rulemaking procedures
2 provided for under subchapter III of chapter 5 of
3 title 5, United States Code, to develop the regula-
4 tions.

5 “(2) REQUIREMENTS.—The monitoring require-
6 ments established pursuant to this subsection shall,
7 at a minimum, specify—

8 “(A) the frequency of monitoring based on
9 the periods of recreational use of the waters;

10 “(B) the frequency of monitoring based on
11 the extent and degree of use during the periods;

12 “(C) the frequency of monitoring based on
13 the proximity of coastal recreation waters to
14 pollution sources;

15 “(D) methods for detecting short-term in-
16 creases in pathogens in coastal recreation wa-
17 ters; and

18 “(E) the conditions and procedures under
19 which discrete areas of coastal recreation wa-
20 ters may be exempted by the Administrator
21 from the monitoring requirements of this sub-
22 section, if the Administrator determines that an
23 exemption will not impair—

1 “(i) compliance with the applicable
2 water quality standards for those waters;
3 and

4 “(ii) the protection of the public
5 safety.

6 “(b) NOTIFICATION REQUIREMENTS.—The regula-
7 tions published pursuant to subsection (a) shall require
8 States to notify local governments and the public of viola-
9 tions of applicable water quality standards for State coast-
10 al recreation waters. Each notification made pursuant to
11 this subsection shall include, at a minimum—

12 “(1) prompt communication of the occurrence,
13 nature, and extent of the violation, to a designated
14 official of a local government having jurisdiction over
15 land adjoining the coastal recreation waters for
16 which a violation is identified; and

17 “(2) the posting of signs, for the period during
18 which the violation continues, that are sufficient to
19 give notice to the public of a violation of an applica-
20 ble water quality standard for the waters and the
21 potential risks associated with body contact recre-
22 ation in the waters.

23 “(c) FLOATABLES MONITORING PROCEDURES.—The
24 Administrator shall—

1 “(1) issue guidance on uniform assessment and
2 monitoring procedures for floatables in coastal recre-
3 ation waters; and

4 “(2) specify the conditions under which the
5 presence of floatables shall constitute a threat to
6 public health and safety.

7 “(d) DELEGATION OF RESPONSIBILITY.—A State
8 may delegate responsibility for the monitoring and posting
9 of coastal recreation waters pursuant to this section to
10 local government authorities.

11 “(e) REVIEW AND REVISION OF REGULATIONS.—

12 “(1) IN GENERAL.—The Administrator shall
13 periodically review and revise the regulations issued
14 pursuant to this section.

15 “(2) REVISED WATER QUALITY CRITERIA.—Not
16 later than 1 year after the date of publication of re-
17 vised water quality criteria for coastal recreation wa-
18 ters by the Administrator pursuant to section
19 304(a)(14), the Administrator shall review and re-
20 vise the regulations issued pursuant to this section.

21 “(f) GRANTS TO STATES.—

22 “(1) GRANTS.—The Administrator may make
23 grants to States for use in fulfilling requirements es-
24 tablished pursuant to this section.

1 “(2) COST SHARING.—The total amount of
2 grants made to a State under this section for a fis-
3 cal year shall not exceed 50 percent of the cost to
4 the State of carrying out requirements established
5 pursuant to this section.

6 “(3) AUTHORIZATION OF APPROPRIATIONS.—
7 There are authorized to be appropriated to the Envi-
8 ronmental Protection Agency, for use by the Admin-
9 istrator in making grants to States pursuant to this
10 subsection, an amount not to exceed \$3,000,000 for
11 each of fiscal years 1995 through 2000.

12 “(g) RESEARCH PROGRAM.—The Administrator, in
13 cooperation with the Under Secretary, shall conduct a 4-
14 year research program to provide additional information
15 to the then current base of knowledge for use for develop-
16 ing better indicators for directly detecting in coastal recre-
17 ation waters the presence of bacteria and viruses that are
18 harmful to human health. The research program shall
19 identify—

20 “(1) the need for additional numerical limits or
21 conditions and other actions needed to improve the
22 quality of coastal recreation waters;

23 “(2) the quantities and types of floatables in
24 coastal waters (including coastal recreation waters)

1 and of recent trends in the quantities and types of
2 the floatables; and

3 “(3) efforts by States and other responsible
4 parties to carry out programs to protect public
5 health and the quality of coastal recreation waters.

6 “(h) COASTAL RECREATION WATERS DEFINED.—As
7 used in this section, the term ‘coastal recreation waters’
8 shall have the same meaning as is provided the term in
9 section 304(a)(14)(B).’”.

10 **SEC. 808. MARINE WATERS REPORT TO CONGRESS.**

11 Subsection (c) of section 516 (33 U.S.C. 1375(c)) is
12 amended to read as follows:

13 “(c) MARINE WATERS REPORT TO CONGRESS.—

14 “(1) IN GENERAL.—The Administrator, in con-
15 sultation with the Under Secretary, shall, not later
16 than 4 years after the date of enactment of the
17 Water Pollution Prevention and Control Act of 1994
18 submit to Congress a report on the condition of ma-
19 rine waters and the effectiveness of the existing pro-
20 grams to protect coastal water quality.

21 “(2) REPORT.—The report submitted pursuant
22 to paragraph (1) shall—

23 “(A) identify the responsibilities of various
24 Federal agencies with respect to the assessment
25 and protection of marine waters (including

1 funds available to the agencies to carry out the
2 programs of the agencies);

3 “(B) describe the overall health and envi-
4 ronmental condition of marine waters, including
5 impairments of water quality standards, and
6 any trends in the conditions referred to in this
7 subparagraph;

8 “(C) identify the extent of any threats to
9 human health associated with marine environ-
10 mental conditions and human consumption of
11 shellfish, or fish caught by recreational or sub-
12 sistence fishers;

13 “(D) identify contaminants in marine wa-
14 ters that pose significant threats to public
15 health or the protection of a balanced, indige-
16 nous population of fish, shellfish, and wildlife
17 and recreation in and on the waters that are
18 not addressed by a criterion pursuant to section
19 304(a) or an effluent guideline pursuant to sec-
20 tions 301 and 304;

21 “(E) assess the status of management con-
22 ferences convening under section 320 and
23 evaluate the effectiveness of plans developed by
24 management conferences in protecting water
25 quality;

1 “(F) identify, evaluate, and quantify the
2 economic impacts of degradation in the quality
3 of marine waters (including degradation attrib-
4 utable to floatables); and

5 “(G) make such recommendations for the
6 improvement of programs for the protection of
7 marine water quality, including recommended
8 changes to appropriate Federal laws, as the Ad-
9 ministrator determines to be appropriate.

10 “(3) PUBLIC COMMENT.—In developing the re-
11 port under paragraph (1), the Administrator shall
12 consult with appropriate officials of States and the
13 public concerning methods by which the policies,
14 programs, and activities of Federal agencies may be
15 implemented to reduce degradation in marine wa-
16 ters.”.

17 **SEC. 809. DEFINITIONS.**

18 (a) NEW DEFINITIONS.—Section 502 (33 U.S.C.
19 1362), as amended by section 702(a)(2), is further amend-
20 ed by adding at the end the following new paragraphs:

21 “(23) ESTUARINE ZONE AND ESTUARY.—The
22 terms ‘estuarine zone’ and ‘estuary’ have the mean-
23 ings provided the terms in section 104(n)(4), except
24 that the terms shall also include associated aquatic

1 ecosystems and the tributaries that drain into the
2 estuary up to the historic height of tidal influence.

3 “(24) FLOATABLES.—The term ‘floatables’
4 means marine debris that floats or remains sus-
5 pended in the water column, including plastic, alu-
6 minum cans, wood, bottles, and paper products.

7 “(25) MARINE WATER.—The term ‘marine
8 water’ means any estuary, water of the estuarine
9 zone, any other water seaward of the historic height
10 of tidal influence, the territorial sea, the contiguous
11 zone, and the ocean.

12 “(26) UNDER SECRETARY.—The term ‘Under
13 Secretary’ means the Under Secretary of Commerce
14 for Oceans and Atmosphere who serves as the Ad-
15 ministrator of the National Oceanic and Atmos-
16 pheric Administration.”.

17 (b) EXISTING DEFINITION.—Section 320 (33 U.S.C.
18 1330) is amended by striking subsection (k).

19 **TITLE IX—INNOVATIVE** 20 **TECHNOLOGY**

21 **SEC. 901. TECHNOLOGY DEVELOPMENT.**

22 Section 105 (33 U.S.C. 1255) is amended to read as
23 follows:

24 “TECHNOLOGY DEVELOPMENT

25 “SEC. 105. (a) IN GENERAL.—The Administrator
26 shall establish a program to develop and demonstrate

1 practices, methods, technologies, or processes that may be
2 effective in the prevention and control of sources or poten-
3 tial sources of water pollution or aquatic habitat degrada-
4 tion or loss.

5 “(b) GRANT ASSISTANCE.—

6 “(1) IN GENERAL.—The Administrator may
7 provide grants to and enter into cooperative agree-
8 ments with public agencies and authorities and non-
9 profit organizations and institutions, and enter into
10 contracts with other persons, to develop or dem-
11 onstrate water pollution prevention and control prac-
12 tices, methods, technologies, or processes.

13 “(2) REQUIREMENTS FOR DEMONSTRATION
14 PROJECTS.—The Administrator may provide assist-
15 ance for a demonstration project under this sub-
16 section only if—

17 “(A) the demonstration project will serve
18 to demonstrate—

19 “(i) a new or significantly improved
20 practice, method, technology, or process; or

21 “(ii) the feasibility and cost effective-
22 ness of a practice, method, technology, or
23 process that exists at the time of the dem-
24 onstration, but is unproven;

1 “(B) the demonstration project will not du-
2 plicate any other Federal, State, local, or com-
3 mercial effort to demonstrate the practice,
4 method, technology, or process (unless the du-
5 plication is appropriate to demonstrate the ef-
6 fectiveness of the practice, method, technology,
7 or process under different conditions, including
8 different climates or types of wastewater);

9 “(C) the demonstration project meets the
10 requirements of this section and serves the pur-
11 poses of this Act;

12 “(D) the demonstration of the practice,
13 method, technology, or process will comply with
14 any National Pollutant Discharge Elimination
15 System permit issued to a person under section
16 402 for the source that is the subject of the
17 demonstration project (except that the Adminis-
18 trator (or the State, in the case of a State with
19 the authority to issue permits under such sec-
20 tion) may modify the permit for the purpose of
21 the demonstration pursuant to a waiver granted
22 under section 301(k)); and

23 “(E)(i) in the case of a contract, the prac-
24 tice, method, technology, or process would not

1 be adequately demonstrated by State, local, or
2 private persons; or

3 “(ii) in the case of an application for fi-
4 nancial assistance by a grant or through a co-
5 operative agreement, the practice, method, tech-
6 nology, or process is not likely to receive ade-
7 quate financial assistance from other sources.

8 “(3) SELECTION OF DEMONSTRATION
9 PROJECTS.—In selecting practices, methods, tech-
10 nologies, and processes to be demonstrated, the Ad-
11 ministrator shall evaluate each project according to
12 the following criteria:

13 “(A) The potential for the proposed prac-
14 tice, method, technology, or process to effec-
15 tively prevent, control, or treat point or
16 nonpoint sources of pollutants, or contaminants
17 in sediment or sludge, that may impair water
18 quality or present a risk to human health,
19 aquatic life, wildlife, or the environment.

20 “(B) The potential of the proposed prac-
21 tice, method, technology, or process to effect re-
22 ductions in water pollution that constitute
23 source reduction (as defined in section 6603(5)
24 of the Pollution Prevention Act of 1990 (42
25 U.S.C. 13102(5))) or resource recovery.

1 “(C) The capability of the applicant to suc-
2 cessfully complete the demonstration project as
3 described in the application.

4 “(D) The likelihood that the demonstrated
5 practice, method, technology, or process could
6 be applied in other locations and under other
7 circumstances to control sources or potential
8 sources of pollutants (taking into consideration
9 the cost, effectiveness, and technological fea-
10 sibility of the practice).

11 “(E) The extent of financial support from
12 the applicant to accomplish the demonstration
13 as described in the application.

14 “(F) The capability of the applicant to dis-
15 seminate the results of the demonstration or
16 otherwise make the benefits of the practice,
17 method, technology, or process widely available
18 to the public in a timely manner.

19 “(4) APPROVAL OF APPLICATIONS.—The Ad-
20 ministrator shall approve or disapprove an applica-
21 tion for a project under this subsection in an expedi-
22 tious manner. In the case of a disapproval of an ap-
23 plication for a project, the Administrator shall notify
24 the applicant of the reasons for the disapproval.

25 “(5) AGREEMENT.—

1 “(A) IN GENERAL.—Each applicant se-
2 lected to conduct a demonstration project under
3 this subsection shall be required, as a condition
4 of receiving funds made available under this
5 subsection, to enter into an agreement with the
6 Administrator to provide for monitoring, testing
7 procedures, quality control, and such other
8 measurements as are necessary to evaluate the
9 results of demonstration projects.

10 “(B) DATA COLLECTION AND ANALYSIS.—
11 If, with respect to a demonstration project, the
12 Administrator determines that data collection
13 and analysis of the practice, method, tech-
14 nology, or process is more appropriately con-
15 ducted by a person other than the applicant,
16 the Administrator may award a separate con-
17 tract for the data collection and analysis por-
18 tion of the project using funds made available
19 under this section.

20 “(6) PROGRAM IMPLEMENTATION.—In carrying
21 out the program established under subsection (a),
22 the Administrator shall develop—

23 “(A) appropriate procedures to identify
24 and solicit comment and advice, with respect to
25 the selection and evaluation of demonstration

1 projects, from interested and affected parties,
2 including—

3 “(i) State, local, and tribal officials
4 and citizens;

5 “(ii) experts from the private sector;

6 “(iii) nongovernmental organizations;
7 and

8 “(iv) academic institutions; and

9 “(B) procedures for the protection of intel-
10 lectual property rights.

11 “(7) COST-SHARING.—

12 “(A) FEDERAL SHARE.—

13 “(i) IN GENERAL.—Except as pro-
14 vided in clause (ii), the Federal share for
15 a demonstration project under this section
16 shall not exceed 75 percent of the total
17 cost of the project.

18 “(ii) CERTAIN BASIC RESEARCH.—In
19 any case in which the Administrator deter-
20 mines that a research project under this
21 subsection is basic research that would not
22 otherwise be undertaken, the Adminis-
23 trator may award a grant for the research
24 project under this subsection with respect

1 to which the Federal share may equal 100
2 percent of the total cost of the project.

3 “(B) NON-FEDERAL SHARE FOR PUBLIC
4 AGENCIES AND AUTHORITIES.—

5 “(i) IN GENERAL.—In the case of a
6 grant made to a public agency or authority
7 for a demonstration project under this sub-
8 section, all or part of the non-Federal
9 share may be derived from a loan from a
10 State water pollution control revolving
11 fund established under title VI.

12 “(ii) REIMBURSEMENT.—For each
13 demonstration project under this sub-
14 section, the Administrator shall deposit an
15 amount not to exceed 25 percent of the
16 total cost of the project in an account
17 managed by the Administrator, or an inde-
18 pendent authority contracted with by the
19 Administrator, to provide funds adequate
20 for reimbursement of the local share of
21 each failed demonstration project, taking
22 into consideration historical rates of failure
23 for innovative technology and the expected
24 liability of the demonstration projects.

1 “(iii) EXCESS FUNDS.—At the expira-
2 tion of the demonstration period of a
3 project, but in no case later than 5 years
4 after the initiation of the project, the Ad-
5 ministrator shall use the funds deposited
6 in the account established under clause (ii)
7 to fund other demonstration projects if ei-
8 ther the Administrator has not declared
9 the project a failure or the public agency
10 or authority responsible for the project has
11 made no claim for reimbursement of the
12 local share of the project cost.

13 “(c) FEDERAL FACILITIES INNOVATIVE POLLUTION
14 PREVENTION AND CONTROL.—As part of the program es-
15 tablished under subsection (a), the Administrator may
16 enter into cooperative agreements with State permitting
17 authorities, and the managers of Federal facilities, for the
18 demonstration of innovative and alternative approaches
19 for the prevention and control of point and nonpoint
20 sources of water pollution at properties owned by a depart-
21 ment, agency, or instrumentality of the Federal Govern-
22 ment and located in the United States.

23 “(d) DEMONSTRATION OF INNOVATIVE MINE WATER
24 PREVENTION AND CONTROL TECHNOLOGIES.—

1 “(1) ESTABLISHMENT.—As part of the pro-
2 gram established under subsection (a), the Adminis-
3 trator, in cooperation with the heads of other Fed-
4 eral and State agencies, shall request, evaluate, and
5 select proposals for funding agreements for projects
6 to demonstrate comprehensive and innovative tech-
7 nologies for the prevention, control, or remediation
8 of acid, metal-contaminated, or other mine water
9 pollution (including leachate from mine tailings) that
10 results from active, inactive, or abandoned hard rock
11 mining operations. The projects shall demonstrate
12 the engineering and economic feasibility and prac-
13 ticability of the technologies.

14 “(2) LIST OF CANDIDATE SITES.—The Admin-
15 istrator, in cooperation with the heads of other Fed-
16 eral and State agencies, shall identify, list, and rank
17 active, inactive, and abandoned mine sites, including
18 federally owned sites, that are representative of com-
19 mon mine water pollution problems in hard rock
20 mining, as candidate sites for demonstrating innova-
21 tive technologies described in paragraph (1).

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—

23 “(1) IN GENERAL.—There are authorized to be
24 appropriated to the Environmental Protection Agen-
25 cy to carry out subsections (a), (b), and (c)

1 \$20,000,000 for each of fiscal years 1995 through
2 2000.

3 “(2) DEMONSTRATION OF INNOVATIVE MINE
4 WATER PREVENTION AND CONTROL TECH-
5 NOLOGIES.—There are authorized to be appro-
6 priated to carry out demonstration projects and
7 basic research under subsection (d) \$10,000,000 for
8 each of fiscal years 1995 through 2000.”.

9 **SEC. 902. INNOVATIVE PRODUCTION PROCESSES, TECH-**
10 **NOLOGIES, AND METHODS.**

11 Subsection (k) of section 301 (33 U.S.C. 1311(k))
12 is amended to read as follows:

13 “(k) INNOVATIVE PRODUCTION PROCESSES, TECH-
14 NOLOGIES, AND METHODS.—

15 “(1) POINT SOURCES.—

16 “(A) IN GENERAL.—The Administrator (or
17 the State, in consultation with the Adminis-
18 trator, in the case of a State with the authority
19 to issue permits under section 402) may, with
20 the consent of the State in which a point source
21 is located and after notice and opportunity for
22 comment, temporarily waive any permit limita-
23 tion applicable to a point source that is the sub-
24 ject of a permit issued under section 402 and
25 that has been established pursuant to subpara-

graph (A) or (E) of subsection (b)(2) for the purpose of encouraging the development and testing of an innovative production process or pollution control technology, pollution prevention process, or recycling method that has the potential to—

“(i) result in an effluent reduction significantly greater than that required by the limitation otherwise applicable;

“(ii) promote the national goal of eliminating the discharge of all pollutants; or

“(iii) result in significantly lower costs than processes, technologies, and methods that the Administrator has determined to be the best economically achievable for the source.

“(B) WAIVER.—A waiver referred to in subparagraph (A) shall include alternative limitations applicable during the temporary waiver period that—

“(i) ensure that water quality standards applicable to the waters receiving any discharge from the point source are not exceeded; and

1 “(ii) provide for the protection of
2 human health and the environment.

3 “(C) REQUIREMENTS FOR WAIVER.—The
4 Administrator may grant a waiver under this
5 paragraph only if the Administrator finds
6 that—

7 “(i) the innovative process, tech-
8 nology, or method that is the subject of the
9 waiver has not been adequately dem-
10 onstrated;

11 “(ii) the innovative process, tech-
12 nology, or method has not previously failed
13 to operate effectively or to meet any limita-
14 tion otherwise applicable; and

15 “(iii) the owner of the point source
16 will conduct such tests and monitoring
17 during the period of the waiver as are nec-
18 essary to ensure that the alternative limi-
19 tations established pursuant to subpara-
20 graph (B) are not exceeded.

21 “(D) PERIOD OF WAIVER.—

22 “(i) IN GENERAL.—

23 “(I) NECESSARY PERIOD.—Sub-
24 ject to subclause (II), the period of a
25 waiver granted under this paragraph

1 shall not exceed the period necessary
2 to determine whether the innovative
3 process, technology, or method would,
4 in commercial operation, meet the lim-
5 itations referred to in subparagraph
6 (A) that would otherwise apply to the
7 point source that is the subject of the
8 waiver.

9 “(II) MAXIMUM PERIOD.—The
10 period of the waiver shall not exceed
11 90 days, unless the Administrator ex-
12 tends the period for an additional 90-
13 day period.

14 “(ii) TERMINATION.—The Adminis-
15 trator or the State in which the point
16 source is located may at any time termi-
17 nate a waiver granted under this para-
18 graph, if the Administrator or the State
19 determines that the innovative process,
20 technology, or method that is the subject
21 of the waiver—

22 “(I) has failed to achieve an ef-
23 fluent reduction at least equivalent to
24 the reduction required by a limitation

1 referred to in subparagraph (A) that
2 would otherwise apply; or

3 “(II) has exceeded any limitation
4 in the waiver established pursuant to
5 subparagraph (B).

6 “(E) NUMBER OF WAIVERS.—The number
7 of waivers granted under this paragraph may
8 not exceed the number necessary to dem-
9 onstrate the effectiveness of the process, tech-
10 nology, or method in meeting the objectives
11 specified in subparagraph (A). No waiver grant-
12 ed under this paragraph shall apply to any limi-
13 tation in a permit that is not directly related to
14 the operation and testing of the innovative
15 process, technology, or method.

16 “(2) NONPOINT SOURCES.—As part of a State
17 management program that is approved by the Ad-
18 ministrator under section 319(d), a source of
19 nonpoint water pollution, including an agricultural
20 source, that is located in the delineated area of a
21 water listed pursuant to section 319(a)(1) may im-
22 plement a site-specific water quality plan pursuant
23 to section 319(f), in lieu of implementing the man-
24 agement measures described in section 319(c), in

1 order to encourage the development or testing of an
2 innovative practice or technology that—

3 “(A) meets the requirements specified for
4 site-specific water quality plans under section
5 319(f); and

6 “(B) has the potential to result in—

7 “(i) a significantly greater reduction
8 of nonpoint pollution than the reduction
9 required by the otherwise applicable man-
10 agement measures described in section
11 319(c); or

12 “(ii) significantly lower costs than the
13 otherwise applicable management measures
14 described in section 319(c).”.

15 **SEC. 903. INNOVATIVE PRETREATMENT.**

16 Subsection (e) of section 307 (33 U.S.C. 1317(e)) is
17 amended to read as follows:

18 “(e) INNOVATIVE PRETREATMENT.—

19 “(1) IN GENERAL.—In the case of any facility
20 in existence on February 4, 1987, that proposes to
21 comply with the national categorical pretreatment
22 standards developed under subsection (b) by apply-
23 ing an innovative production process, pollution con-
24 trol technology, pollution prevention process, or recy-
25 cling method that meets the requirements of section

1 301(k), the control authority (as defined in section
2 403.12(a) of title 40, Code of Federal Regulations,
3 as in effect on the date of enactment of the Water
4 Pollution Prevention and Control Act of 1994) may
5 waive the requirement for compliance with the appli-
6 cable national categorical pretreatment standard es-
7 tablished under this section—

8 “(A) if the Administrator determines
9 that—

10 “(i) the innovative process, tech-
11 nology, or method that is the subject of the
12 waiver has not been adequately dem-
13 onstrated commercially in the category or
14 subcategory of the industry of the appli-
15 cant;

16 “(ii) the innovative process, tech-
17 nology, or method has not previously failed
18 to—

19 “(I) operate effectively; or

20 “(II) meet any limitation that
21 otherwise applies; and

22 “(iii) the owner of the source will con-
23 duct such tests and monitoring during the
24 period of the waiver as are necessary to en-
25 sure that—

1 “(I) the waiver does not cause or
2 contribute to a violation by the pub-
3 licly owned treatment works of a per-
4 mit granted to the treatment works
5 under section 402 or a violation of
6 section 405; and

7 “(II) the alternative limitations
8 established pursuant to paragraph (2)
9 will not be exceeded; and

10 “(B) if the Administrator (or the State in
11 consultation with the Administrator, in any case
12 in which the State has a pretreatment program
13 approved by the Administrator)—

14 “(i) determines that the proposed ex-
15 tension will not cause the publicly owned
16 treatment works to be in violation of a per-
17 mit granted to the treatment works under
18 section 402 or in violation of section 405,
19 or to contribute to such a violation; and

20 “(ii) concurs with the proposed exten-
21 sion.

22 “(2) ALTERNATIVE STANDARDS.—A waiver
23 granted pursuant to paragraph (1) shall include al-
24 ternative standards that shall—

1 “(A) apply during the temporary period of
2 the waiver; and

3 “(B) ensure that the facility that is the
4 subject of the waiver meets all applicable
5 pretreatment standards and requirements.

6 “(3) PERIOD; TERMINATION.—

7 “(A) PERIOD.—The period of a waiver
8 granted pursuant to paragraph (1) may not ex-
9 ceed the period necessary to determine whether
10 the innovative process, technology, or method
11 would, in commercial operation, meet the stand-
12 ards referred to in paragraph (1) that would
13 otherwise apply to the facility that is the sub-
14 ject of the waiver, and may not exceed 90 days,
15 unless the Administrator extends the period for
16 an additional 90 days.

17 “(B) TERMINATION.—A control authority
18 that grants a waiver pursuant to this subsection
19 may, at any time after granting the waiver, ter-
20 minate the waiver if the innovative process,
21 technology, or method that is the subject of the
22 waiver—

23 “(i) fails to achieve an effluent reduc-
24 tion that is at least equivalent to the re-
25 duction required by a standard referred to

1 in paragraph (1) that would otherwise
2 apply; and

3 “(ii) exceeds an applicable standard
4 established pursuant to paragraph (2) in-
5 cluded in the waiver.

6 “(4) LIMITATIONS.—

7 “(A) NUMBER.—The number of waivers
8 granted under this subsection for a specific pro-
9 duction process, pollution control technology,
10 pollution prevention process, or recycling meth-
11 od may not exceed the number necessary to
12 demonstrate the effectiveness of the process,
13 technology, or method in meeting the objectives
14 specified in paragraph (1).

15 “(B) DIRECT RELATIONSHIP.—No waiver
16 granted under this subsection shall apply to a
17 standard that is not directly related to the oper-
18 ation and testing of an innovative process, tech-
19 nology, or method.”.

20 **SEC. 904. VERIFICATION OF INNOVATIVE TECHNOLOGIES.**

21 Section 114 (33 U.S.C. 1264) is amended to read as
22 follows:

1 “VERIFICATION OF INNOVATIVE WATER POLLUTION
2 CONTROL TECHNOLOGIES

3 “SEC. 114. (a) ESTABLISHMENT.—The Adminis-
4 trator shall establish a program to verify, evaluate, and
5 disseminate—

“(1) performance and cost information on technologies, processes, techniques, and management measures, including source reduction methods and technologies, appropriate for controlling water pollution and meeting any of the standards or measures required under sections 121, 301, 303, 304, 306, 307, 319, and 402 (collectively referred to in this section as ‘applicable requirements’); and

14 “(2) information on the properties and toxicity
15 of chemicals that could be used as substitutes for
16 the chemicals covered under subsections (a) and (f)
17 of section 307 (collectively referred to in this section
18 as ‘alternative chemicals’).

19 “(b) FUNCTIONS.—As part of the program estab-
20 lished under this section, the Administrator shall—

21 “(1) accept applications from the public to ver-
22 ify and evaluate cost and performance characteris-
23 tics of environmental technologies and alternative
24 chemicals;

1 “(2) develop appropriate protocols to verify the
2 quality and credibility of cost and performance data
3 submitted by applicants;

4 “(3) subject to the guidelines established under
5 subsection (c), evaluate cost and performance data—

6 “(A) in the case of environmental tech-
7 nologies, relative to applicable requirements;
8 and

9 “(B) in the case of alternative chemicals,
10 relative to the toxicity and risk as compared to
11 the toxicity and risk of the chemicals covered
12 under subsections (a) and (f) of section 307;
13 and

14 “(4) list and disseminate information regarding
15 environmental technologies and alternative chemicals
16 verified and evaluated under the guidelines estab-
17 lished under subsection (c).

18 “(c) GUIDELINES.—

19 “(1) IN GENERAL.—The Administrator shall,
20 after notice and opportunity for public comment,
21 issue guidelines for the operation of the program es-
22 tablished under this section.

23 “(2) DESCRIPTION.—The guidelines shall in-
24 clude—

1 “(A) criteria for designating the eligibility
2 of applicants to the program established under
3 this section;

4 “(B) application requirements and proce-
5 dures for submitting data for verification;

6 “(C) general criteria for the evaluation of
7 environmental technologies, including the ability
8 of a technology to—

9 “(i) meet the performance criteria of
10 any applicable requirement under tested
11 conditions with additional source reduction,
12 control, or remediation benefits as com-
13 pared to the technology evaluated to estab-
14 lish the applicable requirement;

15 “(ii) meet the performance criteria of
16 any applicable requirement under tested
17 conditions at a comparable or lower cost
18 than the estimated cost of the technology
19 evaluated to establish the applicable re-
20 quirement; or

21 “(iii) constitute a significant advance
22 in the development of environmental tech-
23 nology with broad applicability;

24 “(D) general criteria for the verification
25 and evaluation of information submitted for al-

1 ternative chemicals, including the ability of a
2 chemical to fulfill the performance characteris-
3 tics of a chemical covered under subsection (a)
4 or (f) of section 307 with less toxicity and risk
5 to human health or the environment;

6 “(E) a schedule of fees for applications to
7 cover the costs of the program, including—

8 “(i) lower fees for each applicant that
9 is recognized as a small business concern
10 under section 3(a) of the Small Business
11 Act (15 U.S.C. 632(a)) or that is a non-
12 profit group, institution of higher edu-
13 cation, or State or local government entity;
14 and

15 “(ii) lower fees for each application to
16 verify an environmental technology that
17 provides source reduction (as defined in
18 section 6603(5) of the Pollution Prevention
19 Act of 1990 (42 U.S.C. 13102(5))); and

20 “(F) such other provisions as the Adminis-
21 trator may consider appropriate.

22 “(d) REPORTING OF TECHNOLOGY.—

23 “(1) IN GENERAL.—In the case of a technology
24 or alternative chemical that the Administrator veri-
25 fies and evaluates in accordance with the guidelines

1 established under subsection (c), the Administrator
2 shall publish the results of the evaluation and a
3 nonproprietary description of the evaluated tech-
4 nology or alternative chemical and disseminate the
5 information.

6 “(2) LIST.—The Administrator shall establish
7 and, as appropriate, update a list of technologies
8 and alternative chemicals verified and evaluated
9 under the program established by this section. The
10 list and appropriate accompanying information shall
11 be made available to State permitting authorities
12 and entities covered by applicable requirements.

13 “(e) EVALUATION DEADLINE.—Each evaluation con-
14 ducted under the program established under this section
15 shall be completed, and the applicant notified of the re-
16 sults, not later than 180 days after the receipt of a com-
17 plete application.

18 “(f) NO REVISION OF REGULATIONS.—Nothing in
19 this section shall be construed, interpreted, or applied in
20 any manner to revise any regulation or release a person
21 subject to any regulation from the duty to comply with
22 the regulation.

23 “(g) JUDICIAL REVIEW.—

24 “(1) EFFECT OF VERIFICATION, EVALUATION,
25 OR LISTING.—The verification, evaluation, or listing

1 of a technology or alternative chemical under the
2 program established under this section shall not—

3 “(A) constitute a final action by the Ad-
4 ministrator; and

5 “(B) be subject to judicial review.

6 “(2) FAILURE TO COMPLY.—

7 “(A) TECHNOLOGIES.—If a technology
8 verified, evaluated, and listed under the pro-
9 gram established under this section fails to re-
10 sult in compliance with any applicable require-
11 ment, the verification, evaluation, and listing
12 shall not constitute a defense in an enforcement
13 action or citizen suit and shall not create a
14 cause of action against the Environmental Pro-
15 tection Agency.

16 “(B) ALTERNATIVE CHEMICALS.—If an al-
17 ternative chemical verified, evaluated, and listed
18 under the program established under this sec-
19 tion fails to adequately perform as a substitute
20 for a chemical covered under subsection (a) or
21 (f) of section 307, the verification, evaluation,
22 and listing shall not constitute a defense in an
23 enforcement action or citizen suit and shall not
24 create a cause of action against the Environ-
25 mental Protection Agency.

1 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out this section
 3 \$2,000,000 for each of fiscal years 1995 through 1997.”.

4 **SEC. 905. SMALL BUSINESS SOURCE ASSISTANCE**
 5 **PROGRAM.**

6 Title I (33 U.S.C. 1251 et seq.), as amended by sec-
 7 tion 609(b), is further amended by adding at the end the
 8 following new section:

9 “SMALL BUSINESS SOURCE ASSISTANCE PROGRAM

10 “SEC. 123. (a) STATE PROGRAM.—

11 “(1) SUBMISSION OF PLAN.—Each State may,
 12 after reasonable notice and public hearings, prepare
 13 and submit to the Administrator a plan for estab-
 14 lishing a program to assist small business sources of
 15 water pollution.

16 “(2) APPROVAL BY THE ADMINISTRATOR.—The
 17 Administrator shall approve a program for which a
 18 plan is submitted under paragraph (1) if the pro-
 19 gram includes—

20 “(A) adequate mechanisms for developing,
 21 collecting, coordinating, and disseminating in-
 22 formation concerning compliance methods and
 23 technologies for small business sources, and
 24 programs to encourage lawful cooperation
 25 among the sources and other persons to further
 26 compliance with this Act;

1 “(B) adequate mechanisms for assisting
2 small business sources with pollution preven-
3 tion, including providing information concerning
4 alternative and new technologies, process
5 changes, recycling, and other methods of oper-
6 ation that help reduce water pollution;

7 “(C) adequate mechanisms to ensure that
8 each small business source receives notice of the
9 rights and obligations of the source under this
10 Act in such manner and form as to ensure rea-
11 sonably adequate time for the source to evalu-
12 ate compliance methods and any relevant or ap-
13 plicable proposed or final regulation or standard
14 under this Act or relevant law, regulation, or
15 policy of a State;

16 “(D) a compliance assistance program for
17 small business sources to assist small business
18 sources in determining applicable requirements
19 and in obtaining permits under this Act in a
20 timely and efficient manner;

21 “(E) adequate mechanisms for informing
22 small business sources of the obligations of the
23 sources under this Act, including mechanisms
24 for—

1 “(i) referring the sources to qualified
2 auditors and relevant local and national
3 trade associations; or

4 “(ii) at the option of the State, pro-
5 viding audits of the operation of the
6 sources to determine compliance with this
7 Act; and

8 “(F) a designated office within the rel-
9 evant State agency to serve as an ombudsman
10 for small business sources in connection with
11 the implementation of this Act.

12 “(3) COORDINATION.—In carrying out a small
13 business source program established under this sec-
14 tion, a State—

15 “(A) shall coordinate the program with the
16 small business technical assistance program for
17 pollution prevention established by the Adminis-
18 trator under section 6604(c) of the Pollution
19 Prevention Act of 1990 (42 U.S.C. 13103(c));
20 and

21 “(B) may—

22 “(i) consolidate the implementation of
23 the program with the small business sta-
24 tionary source technical and environmental
25 compliance assistance program of the State

1 established under section 507 of the Clean
2 Air Act (42 U.S.C. 7661f), or any other
3 program established by the State to pro-
4 vide technical and compliance environ-
5 mental assistance, in order to realize eco-
6 nomic savings and to implement a multi-
7 media approach to small business technical
8 and environmental compliance assistance;
9 and

10 “(ii) work with other small business
11 extension programs (including the Manu-
12 facturing Technology Centers administered
13 by the National Institute of Standards and
14 Technology of the Department of Com-
15 merce and the Small Business Develop-
16 ment Centers established under section 21
17 of the Small Business Act (15 U.S.C.
18 648)) to coordinate the program estab-
19 lished under this section with the technical
20 and environmental compliance assistance
21 provided by the other programs.

22 “(b) AGENCY PROGRAM.—

23 “(1) IN GENERAL.—Not later than 9 months
24 after the date of enactment of this section, the Ad-
25 ministrator shall establish a small business source

1 assistance program within the Office of Small and
2 Disadvantaged Business Utilization of the Environ-
3 mental Protection Agency. The Administrator shall
4 coordinate the program with the small business sta-
5 tionary source technical and environmental compli-
6 ance assistance program established under section
7 507(b) of the Clean Air Act (42 U.S.C. 7661f(b)).

8 “(2) ELEMENTS OF PROGRAM.—In carrying out
9 the program established under this subsection, the
10 Administrator shall—

11 “(A) assist States in the development of
12 the program described in subsection (a);

13 “(B) to the maximum extent practicable
14 prior to the issuance of regulations that will af-
15 fect small business sources, issue guidance for
16 the use of States in the implementation, with
17 respect to small business sources, of the pro-
18 grams established under this Act that concern
19 alternative control technologies and pollution
20 prevention methods; and

21 “(C) work with the Small Business Admin-
22 istration and the Department of Commerce to
23 expand environmental assistance for small busi-
24 nesses, including assistance concerning the

1 availability of capital for funding environmental
2 investments.

3 “(c) ELIGIBILITY.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), a small business source shall be eligible
6 for assistance under this section if the source—

7 “(A) is owned or operated by a person that
8 employs 100 or fewer individuals; and

9 “(B) is recognized as a small business con-
10 cern under section 3(a) of the Small Business
11 Act (15 U.S.C. 632(a)).

12 “(2) EXCLUSIONS.—The State, in consultation
13 with the Administrator and after providing notice
14 and opportunity for public hearing, may exclude
15 from eligibility under this section any category or
16 subcategory of small business sources that the State
17 determines has sufficient technical and financial ca-
18 pabilities to meet the requirements of this Act with-
19 out assistance under this section.”.

20 **TITLE X—INTERSTATE WATER** 21 **QUALITY PROGRAMS**

22 **SEC. 1001. GULF OF MEXICO.**

23 Title I (33 U.S.C. 1251 et seq.), as amended by sec-
24 tion 905, is further amended by adding at the end the
25 following new section:

1 “GULF OF MEXICO

2 “SEC. 124. (a) DEFINITIONS.—As used in this sec-
3 tion (unless the context implies otherwise):

4 “(1) COMMISSION.—The term ‘Commission’
5 means the Gulf of Mexico Commission established
6 under subsection (c).

7 “(2) COMMITTEE.—The term ‘Committee’
8 means the Gulf of Mexico Management and Policy
9 Review Committee established under subsection (d).

10 “(3) FEDERAL AGENCY.—The term ‘Federal
11 Agency’ means the Environmental Protection Agen-
12 cy, the Army Corps of Engineers, the Department of
13 Agriculture, the National Oceanic and Atmospheric
14 Administration of the Department of Commerce, the
15 Department of the Interior, the Department of
16 Transportation, the Food and Drug Administration
17 of the Department of Health and Human Services,
18 and any other Federal agency with jurisdiction over
19 coastal and marine resources.

20 “(4) GULF OF MEXICO.—The term ‘Gulf of
21 Mexico’ means the Gulf of Mexico and the straits of
22 Florida, and all contiguous bays, estuaries, and
23 beaches.

1 “(5) GULF STATES.—The term ‘Gulf States’
2 means Alabama, Florida, Louisiana, Mississippi, and
3 Texas.

4 “(6) PLAN.—The term ‘Plan’ means the Gulf
5 of Mexico Management and Restoration Plan.

6 “(7) PROGRAM.—The term ‘Program’ means
7 the Gulf of Mexico Program.

8 “(b) GULF OF MEXICO PROGRAM.—

9 “(1) GOALS.—The goal of the Gulf of Mexico
10 Program is to protect, restore, and enhance the
11 coastal and marine waters of the Gulf of Mexico and
12 the coastal natural habitats of the Gulf, to sustain
13 living resources, to protect human health and the
14 food supply, and to ensure the recreational use of
15 the Gulf shores, beaches, and waters in ways consist-
16 ent with the economic well being of the region.

17 “(2) ESTABLISHMENT.—There is established an
18 intergovernmental program, to be known as the
19 ‘Gulf of Mexico Program’, to meet the goal under
20 paragraph (1). The Program shall be headed by a
21 Director, who shall be selected by the President. The
22 Program shall include representation from each Fed-
23 eral agency and each Gulf State. The Environmental
24 Protection Agency shall serve as the lead agency for
25 the program.

1 “(3) REORGANIZATION OF EXISTING PRO-
2 GRAM.—As soon as practicable after the date of en-
3 actment of this section, the Administrator shall reor-
4 ganize the Program established by the Administrator
5 prior to the date of enactment of this section and
6 known as the ‘Gulf of Mexico Program’ to conform
7 to the requirements of this section.

8 “(4) AGREEMENTS.—The Administrator shall
9 enter into an agreement or memorandum of under-
10 standing with the head of each Federal agency for
11 the participation of the Federal agency in the activi-
12 ties of the Program. The head of each Federal agen-
13 cy that participates in the Program may enter into
14 such agreements with 1 or more heads of other
15 Federal agencies as are necessary to carry out this
16 section.

17 “(5) ACTIVITIES.—The activities of the pro-
18 gram shall include—

19 “(A) coordinating activities of Federal
20 agencies and the Gulf States;

21 “(B) providing administrative and tech-
22 nical support for the Commission and the Com-
23 mittee in carrying out the duties of the Com-
24 mission and the Committee;

1 “(C) pursuant to paragraph (4), entering
2 into agreements or memoranda of understand-
3 ing with the heads of other Federal agencies for
4 the participation of the Federal agencies in the
5 activities of the program;

6 “(D) assisting in the preparation of the
7 Plan or report to be submitted to Congress
8 under this section; and

9 “(E) conducting such other activities as
10 are necessary to carry out this section.

11 “(6) OFFICE.—The Program shall maintain an
12 office to house the intergovernmental program effort
13 described in this section. The office shall be located
14 in 1 of the Gulf States.

15 “(7) BUDGET ITEM.—Any appropriations re-
16 quest submitted to the President pursuant to section
17 1108 of title 31, United States Code, by the head
18 of a Federal agency that participates in the Program
19 shall request funding for participation in the Pro-
20 gram as a separate line item.

21 “(c) GULF OF MEXICO COMMISSION.—

22 “(1) ESTABLISHMENT.—The President shall es-
23 tablish a Gulf of Mexico Commission that shall ad-
24 vise and make recommendations to the Program re-
25 garding appropriate actions that will promote suc-

1 successful implementation of the goal described in sub-
2 section (b)(1). The Commission shall consist of the
3 Governor (or designee of the Governor) of each of
4 the Gulf States, and 2 representatives of Federal
5 agencies appointed by the President.

6 “(2) PURPOSE.—The Commission shall review
7 and make specific recommendations regarding the
8 proposed Management and Restoration Plan devel-
9 oped pursuant to subsection (e) and the implementa-
10 tion and budget of the Plan.

11 “(3) ADVISORY COUNCILS.—The Commission
12 shall establish a Citizens Advisory Council and such
13 other advisory councils as the Commission considers
14 necessary to assist the Program and the Commission
15 in the performance of the duties of the Program and
16 the Commission.

17 “(d) MANAGEMENT AND POLICY REVIEW COMMIT-
18 TEE.—

19 “(1) IN GENERAL.—The Commission shall es-
20 tablish a Management and Policy Review Commit-
21 tee.

22 “(2) MEMBERSHIP.—The Committee shall con-
23 sist of a representative of an environmental agency
24 of each Gulf State appointed by the Governor of
25 each Gulf State, a Federal official from the Environ-

1 mental Protection Agency, the Department of Agri-
2 culture, the Department of Commerce, the Depart-
3 ment of the Interior, the Department of Transpor-
4 tation, the Army Corps of Engineers, and the Food
5 and Drug Administration of the Department of
6 Health and Human Services, and the chairperson of
7 the Citizens Advisory Council established under sub-
8 section (c)(3).

9 “(3) DUTIES.—The Committee shall—

10 “(A) coordinate activities to support the
11 Gulf of Mexico Program;

12 “(B) coordinate the development and im-
13 plementation of the Management and Restora-
14 tion Plan under subsection (e);

15 “(C) coordinate such other restoration and
16 protection activities as may be requested by the
17 Commission;

18 “(D) develop a list of prospective annual
19 projects and programs as an eligibility require-
20 ment for funding by an agency subject to the
21 approval of the Commission; and

22 “(E) assist the Commission in the per-
23 formance of the duties of the Commission, in-
24 cluding issuing reports and holding hearings.

1 “(e) GULF OF MEXICO MANAGEMENT AND RESTORA-
2 TION PLAN.—

3 “(1) IN GENERAL.—Not later than 2 years
4 after the date of enactment of this section, the Com-
5 mittee, in consultation with the Commission, each
6 advisory committee, and officials of the Federal and
7 agencies of the Gulf States concerning portions of
8 the Plan within the jurisdiction of the agencies, shall
9 develop a Management and Restoration Plan for the
10 Gulf of Mexico.

11 “(2) PURPOSE.—The Gulf of Mexico Manage-
12 ment and Restoration Plan shall promote the Pro-
13 gram goal as described in subsection (b)(1), and
14 shall—

15 “(A) assess the environmental quality of
16 the Gulf, including the status of critical
17 habitats;

18 “(B) identify significant sources of pollu-
19 tion and activities impacting the environmental
20 quality of the Gulf;

21 “(C) incorporate actions and measures
22 that will protect, enhance, and restore the envi-
23 ronmental quality of the Gulf ecosystem;

24 “(D) set priorities and schedules for action
25 to be undertaken;

1 “(E) describe the process and institutional
2 arrangements made among the Federal agen-
3 cies and State agencies of States and political
4 subdivisions of States that will serve to coopera-
5 tively implement the actions and measures of
6 the Plan, including the identification of the gov-
7 ernmental agency or other entity responsible for
8 carrying out the particular action or measure;
9 and

10 “(F) describe a strategy for monitoring the
11 effectiveness of the actions or measures carried
12 out under the Plan.

13 “(3) PUBLIC PARTICIPATION.—The Program
14 shall make a reasonable effort to ensure that the
15 public is consulted with respect to actions under-
16 taken pursuant to the development and implementa-
17 tion of the Plan.

18 “(4) PLAN APPROVAL.—Not later than 1 year
19 after the date of development of the Plan, and after
20 providing for public review, comment, and appro-
21 priate revision of the Plan, the Commission, with the
22 concurrence of the officials of Federal agencies con-
23 cerning the portions of the Plan within the jurisdic-
24 tion of the Federal agencies, and with the concur-
25 rence of the Gulf States concerning the portions of

1 the plan relating to waters within the jurisdiction of
2 the Gulf States, shall approve the Plan if the Plan
3 meets the requirements of this section and other ap-
4 plicable Federal laws.

5 “(5) PLAN REVIEW.—The Plan approved under
6 paragraph (4) shall be reviewed, updated, and imple-
7 mented under the conditions specified in this sub-
8 section on the date that is 3 years after the date of
9 initial approval, and every 5 years thereafter.

10 “(f) INTERIM REPORT.—Not later than 1 year after
11 the date of enactment of this section, the Commission
12 shall submit to Congress a report describing the environ-
13 mental quality of the Gulf of Mexico and the impact of
14 environmental problems of the Gulf on economic condi-
15 tions and activities. The report shall include—

16 “(1) a description of the information and re-
17 search available to the Commission concerning the
18 environmental quality of the Gulf;

19 “(2) an inventory of relevant environmental re-
20 search and monitoring programs;

21 “(3) an identification of any deficiency in infor-
22 mation and research needed for the development and
23 implementation of the plan developed pursuant to
24 subsection (e); and

1 “(4) an assessment of the economic importance
2 and contributions of the Gulf of Mexico to the Gulf
3 States and to the United States, and an identifica-
4 tion of environmental problems relevant to the Gulf
5 of Mexico that pose a threat to the contributions.

6 “(g) GRANT PROGRAM.—

7 “(1) IN GENERAL.—The Administrator may,
8 upon approval of an application submitted by a Gulf
9 State or a group of Gulf States, make a grant to the
10 Gulf State or group of Gulf States for the purpose
11 of furthering the development and implementation of
12 the Plan.

13 “(2) APPLICATION REQUIREMENTS.—The Pro-
14 gram Office shall establish guidelines regarding the
15 application and submission of a grant under this
16 section, in accordance with applicable Federal grant
17 procedures. The guidelines shall, at a minimum, in-
18 clude the following:

19 “(A) FEDERAL SHARE.—The amount of a
20 grant made by the Administrator under this
21 section shall not exceed 50 percent of the
22 amount of funds necessary to carry out the ac-
23 tivities for which the grant is awarded.

24 “(B) ADMINISTRATIVE EXPENSES.—Not
25 more than 10 percent of the amount of any

1 grant awarded under this section may be ex-
2 pended by a Gulf State (or group of Gulf
3 States) for administrative expenses.

4 “(C) LIABILITY.—A grant made under this
5 section may not be used for the purpose of re-
6 lieving from liability any person who may other-
7 wise be liable under Federal or State law for
8 damages, response costs, natural resource dam-
9 ages, restitution, equitable relief, or any other
10 relief.

11 “(3) APPROVAL.—If the Administrator deter-
12 mines that an application for a grant under this
13 subsection has been approved by the Commission
14 and is consistent with applicable Federal laws, in-
15 cluding this section, and with the policies of the En-
16 vironmental Protection Agency, the Administrator
17 may approve the application, and from available
18 funds, award a grant upon approval.

19 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to the Administrator to
21 carry out this section \$15,000,000 for each of fiscal years
22 1995 through 2000.

23 “(i) RELATIONSHIP TO EXISTING FEDERAL AND
24 STATE LAWS AND INTERNATIONAL TREATIES.—

1 “(1) IN GENERAL.—Nothing in this section
2 shall affect the jurisdiction or powers of any depart-
3 ment, agency, officer, or program of the Federal
4 Government, or of any State government or tribe.

5 “(2) INTERNATIONAL.—Nothing in this section
6 shall affect the jurisdiction or powers of any inter-
7 national body created by treaty with authority relat-
8 ing to the Gulf of Mexico. Any action taken pursu-
9 ant to this section shall be consistent with inter-
10 national law.”.

11 **SEC. 1002. GREAT LAKES.**

12 (a) SEDIMENT MANAGEMENT, REDUCTION, AND
13 RESTORATION.—Section 118 (33 U.S.C. 1268) is amend-
14 ed—

15 (1) by redesignating subsection (h) as sub-
16 section (k);

17 (2) by redesignating subsections (d) through (g)
18 as subsections (f) through (i), respectively; and

19 (3) by inserting after subsection (c) the follow-
20 ing new subsections:

21 “(d) SEDIMENT MANAGEMENT.—

22 “(1) GUIDELINES FOR DISPOSAL OF SEDI-
23 MENT.—

24 “(A) TESTING MANUAL.—The Adminis-
25 trator shall, after notice and opportunity for

1 public comment, and in conjunction with the
2 Secretary of the Army (referred to in this sec-
3 tion as the ‘Secretary’), develop a Great Lakes
4 testing manual that implements the national
5 guidance for the disposal of sediment material
6 into waters of the United States.

7 “(B) REQUIREMENTS.—The Great Lakes
8 testing manual shall ensure that dredged mate-
9 rial, including clean sediment, will be managed,
10 disposed of, and discharged in a manner that
11 will—

12 “(i) not cause significant adverse ef-
13 fects to the aquatic and terrestrial environ-
14 ment, including the chemical, physical, and
15 biological characteristics of the substrate;

16 “(ii) not endanger human health or
17 welfare;

18 “(iii) be consistent with any approved
19 coastal zone management plan for the
20 State or States bordering the lake in which
21 the disposal occurs;

22 “(iv) protect municipal and private
23 water supplies;

24 “(v) protect recognized commercial or
25 recreational fishing grounds and the

1 spawning, nursery, food supply, or migra-
2 tion areas with respect to which fish are
3 dependent;

4 “(vi) protect against excessive
5 resuspension or the spread of material to
6 areas outside of the disposal area; and

7 “(vii) meet the requirements in any
8 certification issued pursuant to section 401
9 that are specified as necessary to ensure
10 compliance with water and sediment qual-
11 ity standards adopted pursuant to this Act.

12 “(C) CONTENTS OF GUIDELINES.—The
13 guidelines developed pursuant to this paragraph
14 shall take into consideration the environmental
15 impacts and benefits of alternative reuse and
16 disposal methods.

17 “(D) REVISIONS.—After providing public
18 notice and opportunity for public comment, the
19 Administrator shall, as appropriate, revise the
20 Great Lakes testing manual to incorporate any
21 Federal or State guideline, criterion, or restric-
22 tion related to sediment disposal in the Great
23 Lakes that takes effect after the date of devel-
24 opment of the initial guidelines.

1 “(2) PRIORITY SITES FOR INTENSIVE SEDI-
2 MENT MANAGEMENT.—

3 “(A) IN GENERAL.—Not later than 1 year
4 after the date of enactment of the Water Pollu-
5 tion Prevention and Control Act of 1994, the
6 Administrator shall develop and submit a report
7 to Congress that assesses the general condition
8 of Confined Disposal Facilities (referred to in
9 this subsection as ‘CDFs’) located in the Great
10 Lakes basin, and identifies each such facility
11 that, at the time of the report, is causing, or is
12 at risk of causing, an exceedance of water or
13 sediment quality standards, or otherwise inter-
14 fering with protection of designated uses.

15 “(B) RANKING.—Not later than 1 year
16 after the date of enactment of the Water Pollu-
17 tion Prevention and Control Act of 1994, the
18 Administrator, in cooperation with the Sec-
19 retary, and in consultation with the Director of
20 the United States Fish and Wildlife Service, the
21 States, and other parties as appropriate, shall
22 select and publish in the Federal Register for
23 public comment a ranking of no fewer than 15
24 priority harbors within the Great Lakes system

1 for development of long-term sediment manage-
2 ment strategies for harbor maintenance.

3 “(C) SELECTION OF HARBORS AND
4 SITES.—In making the selection of harbors, the
5 Administrator shall include—

6 “(i) any harbor in which a CDF iden-
7 tified in the report developed pursuant to
8 subparagraph (A) is located;

9 “(ii) all sites that are routinely
10 dredged for navigation, and that, for rea-
11 sons of sediment toxicity, nutrient content,
12 or volume of dredged material relative to
13 disposal capacity, should receive intensive
14 sediment management and planning to en-
15 sure the attainment and maintenance of
16 water and sediment quality standards; and

17 “(iii) all other sites that the Adminis-
18 trator determines would benefit from in-
19 tensive sediment management.

20 “(D) PUBLICATION OF LIST.—Not later
21 than 15 months after the date of enactment of
22 the Water Pollution Prevention and Control Act
23 of 1994, the Administrator shall publish in the
24 Federal Register the final list of priority har-
25 bors and sites.

1 “(3) SEDIMENT MANAGEMENT AT PRIORITY
2 HARBORS.—With respect to harbors identified pur-
3 suant to paragraph (2), it shall be unlawful to dis-
4 pose of sediment dredged from the harbors at any
5 location in the open waters of the Great Lakes, or
6 any CDF, or to establish, expand, or substantially
7 modify any CDF that receives sediment from the
8 harbors, unless—

9 “(A) the Administrator has concurred in
10 writing with the Secretary to allow the activity;

11 “(B) 45 days (or 90 days in cases in which
12 the Administrator has requested an extension)
13 have elapsed since the Secretary formally re-
14 quested concurrence (including the transmittal
15 of all material necessary to evaluate the pro-
16 posal) and the Administrator has not issued an
17 opinion regarding the proposal; or

18 “(C) the Administrator has approved a
19 sediment management strategy developed pur-
20 suant to paragraph (4)(B) for the harbor in-
21 volved in the proposed activity.

22 “(4) SEDIMENT MANAGEMENT STRATEGY
23 GUIDELINES.—Not later than 15 months after the
24 date of enactment of the Water Pollution Prevention
25 and Control Act of 1994, the Administrator and the

1 Secretary shall jointly issue general guidelines for
2 the development of the sediment management strate-
3 gies for harbors identified pursuant to paragraph
4 (2). The guidelines shall include—

5 “(A) a specification of components of the
6 strategy, including sediment reduction, manage-
7 ment and disposal, and postclosure care of dis-
8 posal facilities;

9 “(B) a recommended process for strategy
10 development that is consistent with the Na-
11 tional Environmental Policy Act of 1969 (42
12 U.S.C. 4321 et seq.) requirements; and

13 “(C) general procedures for monitoring,
14 evaluating, and remediating any CDF at the
15 site.

16 “(5) SEDIMENT MANAGEMENT WORKING
17 GROUPS.—

18 “(A) IN GENERAL.—For each site subject
19 to routine navigational dredging that is con-
20 tained on the list published pursuant to para-
21 graph (2), and in order of priority, the Sec-
22 retary and the Administrator shall jointly con-
23 vene a sediment management working group.
24 Each sediment management working group
25 shall include representatives of—

1 “(i) local entities, including any port
2 authority;

3 “(ii) host municipalities and remedial
4 action planning committees relevant to the
5 site;

6 “(iii) State resource agencies;

7 “(iv) the Soil Conservation Service of
8 the Department of Agriculture;

9 “(v) the United States Fish and Wild-
10 life Service of the Department of the
11 Interior;

12 “(vi) citizen groups;

13 “(vii) appropriate Indian tribes (as
14 defined in section 518(h)(2)); and

15 “(viii) other appropriate entities.

16 “(B) DATES OF CONVENING.—The Sec-
17 retary and the Administrator shall convene 3
18 sediment management working groups estab-
19 lished pursuant to subparagraph (A) not later
20 than 90 days after the date of publication of
21 the final list pursuant to paragraph (2). The
22 Secretary and the Administrator shall jointly
23 convene additional sediment management work-
24 ing groups in subsequent years in such manner
25 as to ensure that all sites identified in the final

1 list that are subject to routine navigational
2 dredging have an associated sediment manage-
3 ment working group not later than 4 years
4 after the date of publication of the final list
5 pursuant to paragraph (2).

6 “(6) SEDIMENT MANAGEMENT STRATEGIES.—

7 For each harbor or site subject to routine naviga-
8 tional dredging identified pursuant to paragraph
9 (2)(B), the Secretary shall, not later than 18
10 months after convening a sediment management
11 working group pursuant to paragraph (5), develop in
12 cooperation and coordination with the group, and
13 publish for public review and comment, a sediment
14 management strategy.

15 “(7) ELEMENTS OF STRATEGIES.—Each sedi-

16 ment management strategy developed pursuant to
17 this subsection shall include—

18 “(A) an assessment of the quantity and
19 nature of sediment at the harbor, including
20 tributary transport dynamics and the presence,
21 nature, and bioavailability of contaminants in
22 the material;

23 “(B) a short-term and long-term naviga-
24 tional dredging plan that takes into account the
25 quantity of sediment material delivered to the

1 channel that can be prevented, and the quantity
2 that must be dredged and disposed of;

3 “(C) measures to achieve navigational
4 channel maintenance that also ensure the at-
5 tainment and maintenance of water and sedi-
6 ment quality standards;

7 “(D) a long-term management plan for
8 any CDF that may exist within, or serve, the
9 harbor, including a program for monitoring and
10 evaluating the integrity of the CDF;

11 “(E) a cost-allocation strategy (consistent
12 with any project authorization);

13 “(F) a schedule for the implementation of
14 the strategy, including any construction, reme-
15 diation, and sediment prevention measures; and

16 “(G) a method for integrating the develop-
17 ment and implementation of the strategy with
18 ongoing remedial action planning, Lakewide
19 management planning, and coastal zone man-
20 agement planning efforts.

21 “(8) CONSIDERATIONS.—In developing a sedi-
22 ment management strategy, the Secretary shall con-
23 sider measures to—

24 “(A) reduce sediment loadings at the
25 source of the loadings;

1 “(B) reduce resuspension during dredging
2 and disposal processes;

3 “(C) remove contaminants from sediment
4 material;

5 “(D) otherwise conserve CDF capacity
6 through recycling or reuse; and

7 “(E) protect and restore aquatic and up-
8 land fish and wildlife habitat, and beneficial
9 uses.

10 “(9) APPROVAL.—The Secretary shall submit
11 all sediment management strategies developed pur-
12 suant to this subsection to the Administrator for ap-
13 proval. A strategy submitted to the Administrator
14 shall be considered approved if—

15 “(A) the Administrator approves the strat-
16 egy; or

17 “(B) 45 days (or 90 days in any case in
18 which the Administrator has requested an ex-
19 tension) have elapsed since the Secretary for-
20 mally requested approval (including the trans-
21 mittal of all material necessary to evaluate the
22 strategy) and the Administrator has not issued
23 an approval regarding the strategy.

24 “(10) PROBLEM CDFS.—

1 “(A) IN GENERAL.—Each sediment man-
2 agement strategy for a site containing a CDF
3 identified in the report published pursuant to
4 paragraph (2)(A) shall be completed not later
5 than 18 months after the date of publication of
6 the report required pursuant to paragraph
7 (2)(A).

8 “(B) REQUIREMENTS FOR SEDIMENT MAN-
9 AGEMENT STRATEGIES.—Each sediment man-
10 agement strategy developed pursuant to this
11 paragraph shall include, in addition to the pro-
12 visions identified in paragraphs (6) and (7)—

13 “(i) a program for remediating the
14 CDF to protect and restore the chemical,
15 physical, and biological integrity of the
16 site;

17 “(ii) special management and
18 postclosure conditions that may be nec-
19 essary to protect human health and wild-
20 life; and

21 “(iii) appropriate alternative disposal
22 options, including the estimated costs, en-
23 vironmental benefits, impacts of the alter-
24 native, and a schedule for initiating the

1 alternatives and allocating costs, if applica-
2 ble.

3 “(11) COORDINATION.—To the greatest extent
4 practicable, the Secretary and the Administrator
5 shall coordinate and integrate sediment management
6 strategies developed pursuant to this subsection with
7 then existing planning processes, such as remedial
8 action plans, Lakewide Management Plans, tributary
9 transport models, and coastal zone management
10 plans.

11 “(12) IMPLEMENTATION.—On approval of a
12 sediment management strategy developed pursuant
13 to this subsection, all dredging and disposal oper-
14 ations shall be consistent with the strategy. Dredg-
15 ing and disposal operations shall cease at any site
16 identified pursuant to paragraph (2)(B) that does
17 not have an approved sediment management strat-
18 egy by not later than 3 years after the establishment
19 of a sediment management working group for the
20 site pursuant to paragraph (5).

21 “(e) SEDIMENT REDUCTION.—

22 “(1) GREAT LAKES TRIBUTARY SEDIMENT
23 TRANSPORT MODELS.—For each major river system
24 or set of major river systems depositing sediment
25 into a Great Lakes federally authorized commercial

1 harbor, channel maintenance project site, or area of
2 concern, the Secretary, in cooperation with the Ad-
3 ministrator, shall develop a tributary sediment
4 transport model that shall—

5 “(A) measure stream discharge rates, total
6 suspended solids loadings, and bedload trans-
7 port within the tributary and harbor;

8 “(B) measure additional parameters, such
9 as nitrates, phosphates, persistent toxic sub-
10 stances, and heavy metals, using a protocol ap-
11 proved by the Administrator, on a river-by-river
12 basis in accordance with any agreement be-
13 tween the Secretary, the Administrator, the
14 host State, and any relevant non-Federal entity;

15 “(C) estimate the percentage of total sedi-
16 ment loadings into the harbors, channels, and
17 areas of concern originating from each
18 subwatershed of the river system; and

19 “(D) characterize the physical nature of
20 the sediment materials.

21 “(2) OTHER CONSIDERATIONS.—In developing
22 the tributary sediment transport models, the Sec-
23 retary shall—

24 “(A) coordinate tributary sediment trans-
25 port modeling efforts with the efforts of the Ad-

1 ministrator to produce comprehensive Lakewide
2 Management Plans, Remedial Action Plans,
3 mass balance models, and water quality models;

4 “(B) build upon data and monitoring in-
5 frastructure generated in earlier studies and
6 programs; and

7 “(C) complete models for 30 major river
8 systems within the 5-year period beginning on
9 the date of enactment of the Water Pollution
10 Prevention and Control Act of 1994.

11 “(3) ANALYTICAL METHOD.—Not later than 18
12 months after the date of enactment of the Water
13 Pollution Prevention and Control Act of 1994, the
14 Secretary, with the written concurrence of the Ad-
15 ministrator, shall develop an analytical method to
16 project the effectiveness and efficiency of sediment
17 source reduction approaches and scenarios in reduc-
18 ing upstream sediment loadings into, and transport
19 within, specific Great Lakes federally authorized
20 commercial harbors, channel maintenance project
21 sites, and areas of concern.

22 “(4) USE OF METHOD.—For each model devel-
23 oped under paragraph (1), the Secretary shall use
24 the method described in paragraph (3) to conduct
25 sediment load reduction analyses to estimate the po-

1 tential effectiveness and efficiency of upstream sedi-
2 ment source reduction approaches and scenarios to
3 reduce sedimentation in Great Lakes federally au-
4 thorized commercial harbors, channel maintenance
5 sites, and areas of concern of the Great Lakes. The
6 Secretary shall, upon request, provide sediment load
7 and transport reduction analysis information to a
8 State or Indian tribe (as defined in section
9 518(h)(2)), regarding river systems within the juris-
10 diction of the State or Indian tribe.

11 “(5) DEVELOPMENT AND APPLICATION.—In de-
12 veloping and using the analytical methods described
13 in paragraph (3), the Secretary shall consider only
14 sediment reduction approaches and scenarios that
15 are consistent with—

16 “(A) the guidance issued pursuant to sec-
17 tion 6217(g) of the Omnibus Budget Reconcili-
18 ation Act of 1990 (16 U.S.C. 1455b(g)), if
19 applicable;

20 “(B) relevant State coastal zone manage-
21 ment programs approved pursuant to section
22 306 of the Coastal Zone Management Act of
23 1972 (16 U.S.C. 1455);

1 “(C) relevant State nonpoint source pollu-
2 tion control programs approved in a manner
3 consistent with section 319; and

4 “(D) recommendations of any relevant Re-
5 medial Action Plans and programs and meas-
6 ures contained in Annex 3 of the Great Lakes
7 Water Quality Agreement and the supplement
8 to the Annex.

9 “(6) CONSULTATION BY SECRETARY.—The Sec-
10 retary shall consult with the Administrator and the
11 heads of other appropriate Federal agencies in car-
12 rying out this subsection.

13 “(7) AUTHORIZATION OF APPROPRIATIONS.—
14 There are authorized to be appropriated to the De-
15 partment of the Army to carry out this subsection,
16 \$6,000,000 for each of the fiscal years 1995 through
17 2000.”.

18 (b) SEDIMENT RESTORATION.—Section 118(c)(7)
19 (33 U.S.C. 1268(c)(7)) is amended by adding at the end
20 the following new subparagraphs:

21 “(D) SEDIMENT RESTORATION DEM-
22 ONSTRATION PROJECTS.—

23 “(i) IN GENERAL.—The Program Of-
24 fice shall conduct 5 full-scale demonstra-
25 tion projects of promising technologies to

1 remedy contaminated sediments at such
2 sites as the Program Office determines are
3 appropriate.

4 “(ii) SITE SELECTION.—In selecting
5 the sites for the demonstration projects,
6 the Program Office shall give priority con-
7 sideration to the sites referred to in sub-
8 paragraph (A).

9 “(iii) DEADLINES.—The Program Of-
10 fice shall—

11 “(I) not later than December 31,
12 1995, complete engineering plans for
13 the full-scale demonstration projects
14 to be conducted under this subpara-
15 graph; and

16 “(II) not later than December
17 31, 1998, complete the full-scale dem-
18 onstration projects to be conducted
19 under this subparagraph.

20 “(E) ASSESSMENTS.—The Program Office
21 shall, not later than December 31, 1999, con-
22 duct preliminary chemical, physical, and biologi-
23 cal assessments of contaminated sediments at
24 each area of concern and make recommenda-
25 tions on technologies to remedy contaminated

1 sediments at each of the areas. In conducting
2 the assessments, the Program Office shall in-
3 corporate previous findings that are relevant to
4 the assessments.

5 “(F) ADDITIONAL PROJECTS.—If, after
6 conducting assessments under subparagraph
7 (E), the Program Office determines that none
8 of the technologies already demonstrated pursu-
9 ant to this subsection is appropriate or cost-ef-
10 fective to remedy contaminated sediments at an
11 area of concern, the Program Office may con-
12 duct additional pilot scale demonstration
13 projects of promising technologies at the area of
14 concern.

15 “(G) INTERAGENCY TEAM.—The Program
16 Office may convene an interagency team that
17 includes representatives from the Army Corps
18 of Engineers, the United States Fish and Wild-
19 life Service, the Department of Energy, and the
20 Department of Commerce to assist in and pro-
21 mote the dissemination of information on tech-
22 nologies to remedy contaminated sediments at
23 areas of concern, including the dissemination of
24 the information to Federal and State depart-
25 ments and agencies.”.

1 (c) RESEARCH.—

2 (1) RESEARCH COUNCIL.—Subsection (f) of
3 section 118 (33 U.S.C. 1268), as redesignated by
4 subsection (a)(2), is amended to read as follows:

5 “(f) GREAT LAKES RESEARCH COUNCIL.—

6 “(1) ESTABLISHMENT.—There is established a
7 Great Lakes Research Council (referred to in this
8 subsection as the ‘Council’).

9 “(2) DUTIES OF THE COUNCIL.—The Council
10 shall—

11 “(A) not later than 1 year after the date
12 of enactment of this subparagraph, prepare and
13 provide to Congress and other interested par-
14 ties, a report that—

15 “(i) promotes the coordination of Fed-
16 eral research activities to avoid duplication
17 and ensure greater effectiveness in protec-
18 tion of the ecosystem of the Great Lakes
19 and the goals of the Great Lakes Water
20 Quality Agreement;

21 “(ii) assesses the research activities
22 needed to fulfill the goals of the Great
23 Lakes Water Quality Agreement;

24 “(iii) assesses the expertise and capa-
25 bilities of the Federal Government existing

1 on the date of enactment of this clause
2 with activities needed to fulfill the goals re-
3 ferred to in clause (ii), including an inven-
4 tory of then existing Federal Great Lakes
5 research programs, projects, facilities, and
6 personnel;

7 “(iv) recommends long-term and
8 short-term research priorities for research
9 by the Federal Government on the Great
10 Lakes, based on a comparison of the as-
11 sessment conducted under clauses (i) and
12 (ii), and research information available on
13 the date of enactment of this clause; and

14 “(v) describes coordination efforts
15 with Canada;

16 “(B) identify topics for, and participate in,
17 meetings, workshops, symposia, and conferences
18 on Great Lakes research issues;

19 “(C) make recommendations for the uni-
20 form collection and storage of data for enhanc-
21 ing research and management protocols relating
22 to the protection and restoration of the phys-
23 ical, biological, and chemical integrity of the
24 Great Lakes ecosystem;

1 “(D) consider and make recommendations
2 with respect to the establishment of a com-
3 prehensive, multimedia database for the Great
4 Lakes ecosystem; and

5 “(E) participate in any ongoing coordina-
6 tion efforts, such as the Council of Great Lakes
7 Research Managers of the International Joint
8 Commission.

9 “(3) MEMBERSHIP OF THE COUNCIL.—

10 “(A) IN GENERAL.—The Council shall con-
11 sist of 1 research manager with extensive
12 knowledge, scientific expertise, and experience
13 in the Great Lakes ecosystem from each of the
14 following organizations:

15 “(i) The Environmental Protection
16 Agency.

17 “(ii) The National Oceanic and At-
18 mospheric Administration.

19 “(iii) The Coast Guard.

20 “(iv) The United States Fish and
21 Wildlife Service.

22 “(v) The United States Geological
23 Survey.

1 “(vi) Any other relevant Federal de-
2 partment, agency, or instrumentality, as
3 determined by the Council membership.

4 “(B) EX OFFICIO MEMBERS.—Any other
5 person who is not a Federal employee may
6 serve as a nonvoting ex officio member of the
7 Council, at the request of the Council.

8 “(C) PARTICIPATION BY CERTAIN OFFI-
9 CIALS.—The Council shall request appropriate
10 officials of each State that borders the Great
11 Lakes, the International Joint Commission, the
12 Government of Canada, and the governments of
13 each province that borders on the Great Lakes
14 to serve as nonvoting ex-officio members of the
15 Council.

16 “(4) CHAIRPERSON.—The members of the
17 Council shall elect a Chairperson from among the
18 members of the Council listed under clauses (i), (ii),
19 and (iv) of paragraph (3)(A).

20 “(5) TRAVEL EXPENSES.—Each member of the
21 Council who is not an employee of the Federal Gov-
22 ernment shall be allowed travel expenses, including
23 per diem in lieu of subsistence, at rates authorized
24 for employees under subchapter I of chapter 57 of
25 title 5, United States Code, while away from the

1 home or regular place of business of the member in
2 the performance of services for the Council.

3 “(6) INTERAGENCY COOPERATION.—The head
4 of each department, agency, or other instrumentality
5 of the Federal Government that is represented on
6 the Council—

7 “(A) may, on written request of the Chair-
8 person, make available, on a reimbursable basis
9 or otherwise, personnel, services, or facilities as
10 may be necessary to assist the Council in
11 achieving the purposes of this subsection; and

12 “(B) shall, on written request from the
13 Chairperson, furnish data or other information
14 necessary to achieve the purposes of this sub-
15 section.

16 “(7) EFFECT ON OTHER LAWS.—Nothing in
17 this subsection is intended to amend, restrict, or
18 otherwise alter the authority of any Federal depart-
19 ment, agency, or instrumentality, under any law, to
20 undertake Great Lakes research activities.”.

21 (2) CONFORMING AMENDMENTS.—The second
22 sentence of section 403(a) of the Marine Protection,
23 Research, and Sanctuaries Act of 1972 (33 U.S.C.
24 1401 et seq.) is amended—

1 (A) by striking “118(d)” and inserting
2 “118(f)”; and

3 (B) by striking “(33 U.S.C. 1268(d))”.

4 (d) LAKEWIDE MANAGEMENT PLANS.—Paragraph
5 (4) of section 118(c) (33 U.S.C. 1268(c)(4)) is amended
6 to read as follows:

7 “(4) LAKEWIDE MANAGEMENT PLANS.—

8 “(A) IN GENERAL.—

9 “(i) LAKES MICHIGAN AND SUPE-
10 RIOR.—Not later than January 1, 1995,
11 the Administrator shall publish in the Fed-
12 eral Register the final Lakewide Manage-
13 ment Plan for Lake Michigan and Lake
14 Superior.

15 “(ii) OTHER LAKES.—Not later than
16 January 1, 1998, the Administrator shall
17 publish in the Federal Register proposed
18 Lakewide Management Plans for Lake
19 Erie, Lake Huron, and Lake Ontario.

20 “(B) CONTENTS.—Each Lakewide Man-
21 agement Plan shall be consistent with the re-
22 quirements of Annex 2 of the Great Lakes
23 Water Quality Agreement, and shall—

24 “(i) include an assessment of the envi-
25 ronmental condition of the lake, including

1 water and sediment quality and natural
2 resources;

3 “(ii) identify the toxic pollutants that
4 exceed water or sediment quality standards
5 in the lake, describing the loadings of the
6 pollutants to the lake, including conven-
7 tional, non-conventional, and toxic pollut-
8 ants; and

9 “(iii) identify the point and nonpoint
10 sources of the pollutants;

11 “(iv) provide a comprehensive protec-
12 tion plan recommending specific actions to
13 restore and maintain the chemical, phys-
14 ical, and biological integrity of the lake, in-
15 cluding the specific measures to protect
16 and maintain high quality waters and iden-
17 tification of the reduction in loadings of
18 pollutants identified under clause (ii) to
19 ensure the restoration and attainment of
20 water and sediment quality standards, and
21 the protection and propagation of a bal-
22 anced indigenous population of fish, shell-
23 fish, and wildlife and recreation in and on
24 the water;

1 “(v) provide a schedule for implement-
2 ing recommended actions, including the
3 identification of the agencies and sources
4 responsible for implementing the loading
5 reductions, and the funding sources to sup-
6 port the implementation; and

7 “(vi) provide a schedule for periodic
8 revision of the plan.

9 “(C) COOPERATION.—Each Lakewide
10 Management Plan shall be developed in co-
11 operation with appropriate representatives of—

12 “(i) the State or States bordering the
13 lake that is the subject of the Lakewide
14 Management Plan, including the public in
15 the State or States;

16 “(ii) the Government of Canada;

17 “(iii) Indian tribes (as defined in sec-
18 tion 518(h)(2)); and

19 “(iv) the Great Lakes Policy Commit-
20 tee.”.

21 (e) HEALTH EFFECTS STUDY.—Section 118(g)(3)
22 (33 U.S.C. 1268), as redesignated by subsection (a)(2),
23 is amended—

1 (1) in subparagraph (A), by inserting after
2 “September 30, 1994,” the following: “and subse-
3 quently, not later than September 30, 1997,”; and

4 (2) in subparagraph (B)—

5 (A) by striking “\$3,000,000” and inserting
6 “\$5,000,000”; and

7 (B) by striking “and 1994” and inserting
8 “and 1994 through 1997”.

9 (f) LAKE SUPERIOR BINATIONAL PROGRAM.—Sec-
10 tion 118 (33 U.S.C. 1268) is amended by adding after
11 subsection (i), as redesignated by subsection (a)(2), the
12 following new subsection:

13 “(j) LAKE SUPERIOR BINATIONAL PROGRAM.—

14 “(1) IN GENERAL.—The Administrator shall
15 seek the cooperation of Canada in developing a bina-
16 tional program to restore and protect water and
17 sediment quality within the watershed area of Lake
18 Superior.

19 “(2) PROGRAM GOALS.—The program shall
20 evaluate water quality conditions, identify various
21 sources of water pollution, and assess a range of ap-
22 proaches to restoring and protecting designated uses
23 of waters identified in the Great Lakes Water Qual-
24 ity Agreement. In assessing various approaches to
25 protecting water and sediment quality, the Adminis-

1 trator shall develop cooperative measures with Can-
 2 ada to prevent pollution by toxic substances, such as
 3 mercury.

4 “(3) COORDINATION.—To the greatest extent
 5 possible, elements of the binational program shall be
 6 incorporated into the Lake Superior Lakewide Man-
 7 agement Plan developed pursuant to this section.”.

8 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
 9 118(k) (33 U.S.C. 1268), as redesignated by subsection
 10 (a)(1), is amended to read as follows:

11 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated to the Environmental
 13 Protection Agency to carry out this section \$30,000,000
 14 for each of fiscal years 1995 through 2000.”.

15 **SEC. 1003. CHESAPEAKE BAY.**

16 Section 117 (33 U.S.C. 1267) is amended to read as
 17 follows:

18 “CHESAPEAKE BAY

19 “SEC. 117. (a) DEFINITIONS.—As used in this
 20 section:

21 “(1) CHESAPEAKE BAY AGREEMENT.—The
 22 term ‘Chesapeake Bay Agreement’ means the for-
 23 mal, voluntary agreements executed to achieve the
 24 goal of restoring and protecting the Chesapeake Bay
 25 ecosystem and the living resources of the ecosystem
 26 and signed by the Governor of the State of Mary-

1 land, the Governor of the Commonwealth of Penn-
2 sylvania, the Governor of the Commonwealth of Vir-
3 ginia, the Mayor of the District of Columbia, the
4 chairman of the tri-State Chesapeake Bay Commis-
5 sion, and the Administrator, on behalf of the execu-
6 tive branch of the Federal Government.

7 “(2) CHESAPEAKE BAY PROGRAM.—The term
8 ‘Chesapeake Bay Program’ means the program di-
9 rected by the Chesapeake Executive Council in ac-
10 cordance with the Chesapeake Bay Agreement.

11 “(3) CHESAPEAKE BAY WATERSHED.—The
12 term ‘Chesapeake Bay watershed’ shall have the
13 meaning determined by the Administrator.

14 “(4) CHESAPEAKE EXECUTIVE COUNCIL.—The
15 term ‘Chesapeake Executive Council’ means the sig-
16 natories to the Chesapeake Bay Agreement.

17 “(5) SIGNATORY JURISDICTION.—The term
18 ‘signatory jurisdiction’ means a jurisdiction of a sig-
19 natory to the Chesapeake Bay Agreement.

20 “(b) CONTINUATION OF CHESAPEAKE BAY PRO-
21 GRAM.—

22 “(1) IN GENERAL.—In cooperation with the
23 Chesapeake Executive Council (and as a member of
24 the Council), the Administrator shall continue the
25 Chesapeake Bay Program.

1 “(2) PROGRAM OFFICE.—The Administrator
2 shall maintain in the Environmental Protection
3 Agency a Chesapeake Bay Program Office. The
4 Chesapeake Bay Program Office shall provide sup-
5 port to the Chesapeake Executive Council by—

6 “(A) implementing and coordinating
7 science, research, modeling, support services,
8 monitoring, and data collection activities that
9 support the Chesapeake Bay Program;

10 “(B) making available, through publica-
11 tions, technical assistance, and other appro-
12 priate means, information pertaining to the en-
13 vironmental quality and living resources of the
14 Chesapeake Bay Program;

15 “(C) in cooperation with appropriate Fed-
16 eral, State, and local authorities, assisting the
17 signatories to the Chesapeake Bay Agreement
18 that participate in the Chesapeake Bay Pro-
19 gram in developing and implementing specific
20 action plans to carry out the responsibilities of
21 the authorities under the Chesapeake Bay
22 Agreement;

23 “(D) assisting the Administrator in coordi-
24 nating the actions of the Environmental Protec-
25 tion Agency with the actions of the appropriate

1 officials of other Federal agencies and State
2 and local authorities in developing strategies
3 to—

4 “(i) improve the water quality and liv-
5 ing resources of the Chesapeake Bay; and

6 “(ii) obtain the support of the appro-
7 priate officials of the agencies and authori-
8 ties in achieving the objectives of the
9 Chesapeake Bay Agreement; and

10 “(E) implementing outreach programs for
11 public information, education, and participation
12 to foster stewardship of the resources of the
13 Chesapeake Bay.

14 “(3) INTERAGENCY COOPERATION AND COORDI-
15 NATION.—

16 “(A) IN GENERAL.—There is established a
17 Chesapeake Bay Federal Agencies Committee
18 (referred to in this paragraph as the ‘Commit-
19 tee’). The purposes of the Committee shall be
20 to—

21 “(i) facilitate collaboration, coopera-
22 tion, and coordination among Federal
23 agencies and programs of Federal agencies
24 in support of the restoration of the Chesa-
25 peake Bay;

1 “(ii) ensure the integration of Federal
2 activities relating to the restoration of the
3 Chesapeake Bay with State and local res-
4 toration activities, and the restoration ac-
5 tivities of nongovernmental entities; and

6 “(iii) provide a framework for activi-
7 ties that effectively focus the expertise and
8 resources of Federal agencies on problems
9 identified by the Committee in such man-
10 ner as to produce demonstrable environ-
11 mental results and demonstrable improve-
12 ments in programs of Federal agencies.

13 “(B) DUTIES OF THE COMMITTEE.—The
14 Committee shall share information, set prior-
15 ities, and develop and implement plans, pro-
16 grams, and projects for collaborative activities
17 to carry out the following duties:

18 “(i) Reviewing all Federal research,
19 monitoring, regulatory, planning, edu-
20 cational, financial, and technical assist-
21 ance, and other programs that the Com-
22 mittee determines to be appropriate, that
23 relate to the maintenance, restoration,
24 preservation, or enhancement of the envi-

1 ronmental quality and natural resources of
2 the Chesapeake Bay.

3 “(ii) Reviewing each Federal program
4 administered by the head of each partici-
5 pating Federal agency that may influence
6 or contribute to point and nonpoint source
7 pollution and establishing a means for the
8 mitigation of any potential impacts of the
9 pollution.

10 “(iii) Developing and implementing an
11 annual and long-range work program that
12 specifies the responsibilities of each Fed-
13 eral agency in meeting commitments and
14 goals of the Chesapeake Bay Agreement.

15 “(iv) Assessing priority needs and
16 making recommendations to the Chesa-
17 peake Executive Council for improved envi-
18 ronmental and living resources manage-
19 ment of the Chesapeake Bay ecosystem.

20 “(C) APPOINTMENT OF MEMBERS.—The
21 members of the Committee shall be appointed
22 as follows:

23 “(i) At least 1 member who is an em-
24 ployee of the Environmental Protection

1 Agency shall be appointed by the Adminis-
2 trator.

3 “(ii) At least 1 member who is an em-
4 ployee of the National Oceanic and Atmos-
5 pheric Administration of the Department
6 of Commerce shall be appointed by the
7 Secretary of Commerce.

8 “(iii) At least 3 members shall be ap-
9 pointed by the Secretary of the Interior, of
10 whom—

11 “(I) 1 member shall be an em-
12 ployee of the United States Fish and
13 Wildlife Service;

14 “(II) 1 member shall be an em-
15 ployee of the National Park Service;
16 and

17 “(III) 1 member shall be an em-
18 ployee of the United States Geological
19 Survey.

20 “(iv) At least 4 members shall be ap-
21 pointed by the Secretary of Agriculture, of
22 whom—

23 “(I) 1 member shall be an
24 employee of the Soil Conservation
25 Service;

1 “(II) 1 member shall be an em-
2 ployee of the Forest Service;

3 “(III) 1 member shall be an em-
4 ployee of the Agricultural Stabiliza-
5 tion and Conservation Service; and

6 “(IV) 1 member shall be an em-
7 ployee of the Extension Service.

8 “(v) At least 3 members shall be ap-
9 pointed by the Secretary of Defense, of
10 whom—

11 “(I) at least 2 members shall be
12 employees of the Department of the
13 Army, of whom 1 member shall be an
14 employee of the Army Corps of Engi-
15 neers; and

16 “(II) 1 member shall be an em-
17 ployee of the Department of the Navy.

18 “(vi) At least 1 member who is an
19 employee of the Federal Highway Adminis-
20 tration shall be appointed by the Secretary
21 of Transportation.

22 “(vii) At least 1 member who is an
23 employee of the Coast Guard shall be ap-
24 pointed by the head of the department in
25 which the Coast Guard is operating.

1 “(viii) At least 1 member shall be ap-
2 pointed by the Secretary of Housing and
3 Urban Development.

4 “(ix) At least 1 member shall be ap-
5 pointed by Board of Regents of the Smith-
6 sonian Institution.

7 “(D) CHAIRPERSON.—The Committee
8 shall, at the initial meeting of the Committee,
9 and biennially thereafter, select a Chairperson
10 from among the members of the Committee.

11 “(E) PROCEDURES.—The Committee may
12 establish such rules and procedures (including
13 rules and procedures relating to the internal
14 structure and function of the Committee) as the
15 Committee determines to be necessary to best
16 fulfill the responsibilities of the Committee.

17 “(F) MEETINGS.—The initial meeting of
18 the Committee shall be not later than 60 days
19 after the date of enactment of this subpara-
20 graph. Subsequent meetings shall be held on a
21 regular basis at the call of the Chairperson.

22 “(c) REPORTS.—The Committee shall prepare and
23 submit to the President a report to be submitted to Con-
24 gress that identifies—

1 “(1) the activities that have been carried out or
2 are being undertaken to carry out the responsibil-
3 ities of the Federal agency under this section or that
4 are otherwise required under the Chesapeake Bay
5 Program;

6 “(2) planned activities to carry out the respon-
7 sibilities referred to in paragraph (1); and

8 “(3) the resources provided by the Federal
9 agency to meet the responsibilities of the agency
10 under this section and under the Chesapeake Bay
11 Program.

12 “(d) INTERSTATE DEVELOPMENT PLAN GRANTS.—

13 “(1) AUTHORITY.—The Administrator shall, at
14 the request of the Governor of a State affected by
15 the interstate management plan developed pursuant
16 to the Chesapeake Bay Program (referred to in this
17 section as the ‘plan’), make a grant for the purpose
18 of implementing the management mechanisms con-
19 tained in the plan if the State has, within 1 year
20 after the date of the enactment of the Water Pollu-
21 tion Prevention and Control Act of 1994, approved
22 and committed to implement all or substantially all
23 aspects of the plan. The grants shall be made sub-
24 ject to such terms and conditions as the Adminis-

1 trator considers appropriate and shall be limited to pro-
2 grams and projects that are not eligible to receive assist-
3 ance under section 314, 319, or 603(c).

4 “(2) SUBMISSION OF PROPOSAL.—A State or
5 combination of States may apply for the benefits
6 provided under this subsection by submitting to the
7 Administrator a comprehensive proposal to imple-
8 ment management mechanisms contained in the
9 plan, which shall include—

10 “(A) a description of proposed abatement
11 actions that the State or combination of States
12 commits to take within a specified time period
13 to reduce pollution in the Chesapeake Bay and
14 to meet applicable water quality standards; and

15 “(B) the estimated cost of the abatement
16 actions proposed to be taken during the next
17 fiscal year.

18 If the Administrator finds that the proposal is con-
19 sistent with the plan and the national policies set
20 forth in section 101(a), the Administrator shall ap-
21 prove the proposal.

22 “(3) FEDERAL SHARE.—For any fiscal year,
23 the amount of grants made under this subsection
24 shall not exceed 50 percent of the costs of imple-
25 menting the management mechanisms contained in

1 the plan during the fiscal year and shall be made on
2 the condition that non-Federal sources provide the
3 remainder of the cost of implementing the manage-
4 ment mechanisms contained in the plan during the
5 fiscal year.

6 “(4) ADMINISTRATIVE COSTS.—Administrative
7 costs in the form of salaries, overhead, or indirect
8 costs for services provided and charged against pro-
9 grams or projects supported by funds made available
10 under this subsection shall not exceed in any 1 fiscal
11 year an amount equal to 10 percent of the annual
12 Federal grant made to a State under this sub-
13 section.

14 “(e) COMPLIANCE BY FEDERAL FACILITIES.—

15 “(1) ASSESSMENT.—Not later than 1 year after
16 the date of enactment of this subsection, and annu-
17 ally thereafter, the head of each Federal agency that
18 owns or operates a facility (as defined by the Admin-
19 istrator) within the Chesapeake Bay watershed shall
20 perform an assessment of the facility for the purpose
21 of ensuring consistency and compliance with the
22 commitments, goals, and objectives of the Chesa-
23 peake Bay Program and the enforceable require-
24 ments of this Act.

1 “(2) CONTENTS OF ASSESSMENTS.—The as-
2 ssessment referred to in paragraph (1) shall identify
3 any then existing or potential impact on the water
4 quality or living resources of the Chesapeake Bay
5 (or both) by the facility, including any potential
6 land-use impacts of activities related to new develop-
7 ment, man-made obstructions to fish passage, shore-
8 line erosion, and ground water and storm water run-
9 off.

10 “(3) STATE PLANS AND PROGRAMS.—To the
11 maximum extent practicable, the head of each Fed-
12 eral agency that owns or occupies real property in
13 the Chesapeake Bay watershed shall ensure con-
14 formance with any applicable State plan or program
15 to protect environmentally sensitive areas in the
16 Chesapeake Bay watershed.

17 “(4) REPORT REQUIREMENTS.—As part of each
18 report required under subsection (c)(3), the head of
19 each Federal agency shall include a detailed plan,
20 funding mechanism, and schedule for ensuring com-
21 pliance with this Act and addressing or mitigating
22 the impacts referred to in paragraph (2).

23 “(f) HABITAT RESTORATION AND ENHANCEMENT
24 DEMONSTRATION PROGRAM.—

1 “(1) ESTABLISHMENT OF PROGRAM.—The Ad-
2 ministrator, in cooperation with the heads of other
3 appropriate Federal agencies, agencies of States,
4 and political subdivisions of States, shall establish a
5 habitat restoration program in the Chesapeake Bay
6 watershed. The purpose of the program shall be to
7 develop and demonstrate cost-effective techniques for
8 restoring or enhancing wetlands, forest riparian
9 zones, and other types of habitat associated with the
10 Chesapeake Bay and the tributaries of the Ches-
11 apeake Bay.

12 “(2) CRITERIA FOR IDENTIFICATION OF AREAS
13 FOR HABITAT RESTORATION.—Not later than 1 year
14 after the date of enactment of this subsection, the
15 Administrator, in consultation with the Chesapeake
16 Executive Council, shall develop criteria to identify
17 areas for habitat restoration, including—

18 “(A) unique, significant, or representative
19 habitat types;

20 “(B) areas that are subject to, or threat-
21 ened by, habitat loss or habitat degradation (or
22 both) attributable to human or natural causes;
23 and

24 “(C) areas inhabited by endangered,
25 threatened, or rare species, neotropical migra-

1 tory birds, or species that have a unique func-
2 tion within the Chesapeake Bay ecosystem.

3 “(3) PLAN.—Not later than 2 years after the
4 date of enactment of this subsection, the Adminis-
5 trator, in consultation with the Chesapeake Execu-
6 tive Council, shall develop a plan for the restoration
7 of wetlands, contiguous riparian forests, and other
8 habitats within the Chesapeake Bay watershed.

9 “(4) DUTIES OF THE ADMINISTRATOR.—In car-
10 rying out the demonstration program under this
11 subsection, the Administrator, in consultation with
12 the Chesapeake Executive Council, shall—

13 “(A) identify opportunities for the restora-
14 tion of major habitat resources in the Chesa-
15 apeake Bay watershed;

16 “(B) characterize the importance of the
17 habitat resources identified pursuant to sub-
18 paragraph (A) to the health and functioning of
19 the Chesapeake Bay ecosystem;

20 “(C) conduct a prerestoration characteriza-
21 tion assessment of each habitat resource identi-
22 fied pursuant to subparagraph (A) to evaluate
23 with respect to the habitat resource—

24 “(i) the potential effectiveness of a
25 restoration effort;

1 “(ii) enhancement options; and

2 “(iii) the cost-effectiveness of each ef-
3 fort or option referred to in clauses (i) and
4 (ii);

5 “(D) consider the degree to which restored
6 and enhanced habitats may—

7 “(i) mitigate the effects of nutrient
8 loading caused by nonpoint source pollu-
9 tion from developed areas and agricultural
10 activities;

11 “(ii) reduce erosion and mitigate flood
12 damage; and

13 “(iii) assist in the protection or recov-
14 ery of living resources;

15 “(E) ensure coordination with all then ex-
16 isting management, regulatory, and incentive
17 programs;

18 “(F) implement habitat restoration
19 projects on a demonstration basis, including
20 submerged aquatic vegetation plantings, break-
21 waters, forest buffer strips, and artificial wet-
22 lands;

23 “(G) monitor and evaluate the effective-
24 ness of the demonstration projects;

1 “(H) establish and maintain a central
2 clearinghouse to facilitate access to information
3 related to habitat of the Chesapeake Bay water-
4 shed, including information relating to habitat
5 location, type, acreage, function, condition and
6 status, and restoration and design techniques
7 and trends related to such information; and

8 “(I) develop and carry out educational pro-
9 grams (including training programs), research
10 programs, and programs for technical assist-
11 ance to assist in the efforts of State and local
12 governments and private citizens related to
13 habitat restoration and enhancement.

14 “(5) ASSISTANCE.—

15 “(A) IN GENERAL.—In carrying out the
16 demonstration program under this subsection,
17 the Administrator is authorized to provide, in
18 cooperation with the Chesapeake Executive
19 Council, technical assistance and financial as-
20 sistance in the form of a grant to any State
21 government, interstate entity, local government,
22 or any other public or nonprofit private agency
23 that submits an approved application.

1 “(B) FEDERAL SHARE OF GRANTS.—The
2 Federal share of the amount of any grant
3 awarded under this subsection shall be—

4 “(i) with respect to a project con-
5 ducted by the grant recipient on land
6 owned or leased by the Federal Govern-
7 ment, 100 percent of the cost of the activi-
8 ties that are the subject of the grant; and

9 “(ii) with respect to a project con-
10 ducted by the grant recipient on land that
11 is not owned or leased by the Federal Gov-
12 ernment, 75 percent of the cost of the ac-
13 tivities that are the subject of the grant.

14 “(C) FEDERAL SHARE OF PROJECTS.—The
15 Federal share of any project conducted by the
16 Administrator under this subsection shall be—

17 “(i) with respect to a project con-
18 ducted on land owned or leased by the
19 Federal Government, 100 percent of the
20 cost of the activities that are the subject of
21 the project; and

22 “(ii) with respect to a project con-
23 ducted on land that is not owned or leased
24 by the Federal Government, 75 percent of

1 the cost of the activities that are the sub-
2 ject of the project.

3 “(6) HABITAT PROTECTION AND RESTORATION
4 PROGRESS ASSESSMENT.—Not later than 3 years
5 after the date of enactment of this subsection, and
6 biennially thereafter, the Administrator shall submit
7 a report to Congress concerning the results of the
8 demonstration projects conducted under the habitat
9 restoration demonstration program described in
10 paragraph (1). The report shall also include a sum-
11 mary of scientific information concerning habitat
12 restoration and protection in existence at the time of
13 preparation of the report, and a description of meth-
14 ods, procedures, and processes to assist State and
15 local governments and other interested entities in
16 carrying out projects for the protection and restora-
17 tion of habitat that the Administrator determines to
18 be appropriate.

19 “(g) BASINWIDE TOXICS REDUCTION.—

20 “(1) IN GENERAL.—The Administrator, in co-
21 operation with the Chesapeake Executive Council,
22 shall develop a comprehensive basinwide toxics re-
23 duction strategy (referred to in this subsection as
24 the ‘Strategy’). The Strategy shall, with respect to
25 inputs of toxic pollutants to the Chesapeake Bay

1 and the tributaries of the Bay, establish basinwide
2 reduction objectives and describe actions that are
3 necessary to achieve a multijurisdictional approach
4 to the reduction of the inputs.

5 “(2) RESEARCH AND MONITORING.—The Ad-
6 ministrator shall undertake such research and mon-
7 itoring activities as the Administrator determines to
8 be necessary for the improvement of the understand-
9 ing of intermedia transfers of toxic pollutants and
10 the ultimate fate of the pollutants within the Chesa-
11 peake Bay ecosystem.

12 “(3) ELEMENTS OF STRATEGY.—The Strategy
13 developed pursuant to this subsection shall include a
14 process to assist signatory jurisdictions with—

15 “(A) improving the identification of the
16 sources and transport mechanisms of toxic pol-
17 lutant loadings to the Chesapeake Bay and the
18 tributaries of the Bay from point and nonpoint
19 sources; and

20 “(B) the periodic integration, in a consist-
21 ent format and manner, of the information ob-
22 tained pursuant to subparagraph (A) into a
23 toxics loading inventory for the Chesapeake
24 Bay.

1 “(4) DEADLINE FOR COMPLETION OF STRAT-
2 EGY.—The Strategy developed pursuant to this sub-
3 section shall be completed not later than 2 years
4 after the date of enactment of this subsection.

5 “(5) FEDERAL ASSISTANCE.—The Adminis-
6 trator, in cooperation with the Chesapeake Executive
7 Council, shall provide such financial and technical
8 assistance as the Administrator determines to be
9 necessary to—

10 “(A) by not later than 1 year after the
11 date of enactment of this Act, develop a process
12 to assist signatory jurisdictions—

13 “(i) with improving the identification
14 of the sources and transport mechanisms
15 of toxic pollutant loadings to the Chesa-
16 peake Bay and the tributaries of the Bay
17 from point and nonpoint sources; and

18 “(ii) with the periodic integration, in
19 a consistent format and manner, of the in-
20 formation obtained pursuant to clause (i)
21 into a toxics loading inventory for the
22 Chesapeake Bay maintained pursuant to
23 the Chesapeake Bay Program (referred to
24 in this section as the ‘Chesapeake Bay
25 Program Toxics Loading Inventory’); and

1 “(B) by not later than 2 years after the
2 date of enactment of this Act, commence the
3 implementation of toxics reduction, pollution
4 prevention, and management actions designed
5 to achieve the toxics reduction goals of the
6 Chesapeake Bay Agreement.

7 “(6) ACTIONS.—The toxics reduction, pollution
8 prevention, and management actions referred to in
9 paragraph (5)(B) shall—

10 “(A) be based upon the findings and rec-
11 ommendations of a reevaluation of the
12 Basinwide Toxics Reduction Strategy; and

13 “(B) include targeted demonstration
14 projects designed to reduce the level of toxic
15 pollutant loadings from major sources identified
16 in the Chesapeake Bay Program Toxics Load-
17 ing Inventory.

18 “(h) CHESAPEAKE BAY WATERSHED, TRIBUTARY,
19 AND RIVER BASIN PROGRAM.—

20 “(1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of this subsection, the
22 Administrator, in cooperation with the Chesapeake
23 Executive Council, the Secretary of Commerce (act-
24 ing through the Administrator of the National Oce-
25 anic and Atmospheric Administration), the Secretary

1 of the Interior (acting through the Director of the
2 United States Fish and Wildlife Service), and the
3 heads of such other Federal agencies as the Admin-
4 istrator determines to be appropriate, shall imple-
5 ment a coordinated research, monitoring, and data
6 collection program to—

7 “(A) assess the status of, and trends in,
8 the environmental quality and living resources
9 of the major tributaries, rivers, and streams
10 within the Chesapeake Bay watershed; and

11 “(B) assist in the development of manage-
12 ment plans for the waters referred to in sub-
13 paragraph (A).

14 “(2) CONTENTS OF PROGRAM.—The program
15 referred to in paragraph (1) shall include—

16 “(A) a comprehensive inventory of water
17 quality and living resource data for waters with-
18 in the Chesapeake Bay watershed;

19 “(B) an assessment of major issues and
20 problems concerning water quality in the Chesa-
21 peake Bay watershed, including the extent to
22 which the waters provide for the protection and
23 propagation of a balanced indigenous popu-
24 lation of fish, shellfish, and wildlife;

1 “(C) a program to identify sources of
2 water pollution within the Chesapeake Bay wa-
3 tershed, including a system of accounting for
4 sources of nutrients, and the movement of nu-
5 trients, pollutants, and sediments through the
6 Chesapeake Bay watershed; and

7 “(D) the development of a coordinated
8 Chesapeake Bay watershed land-use database
9 that incorporates resource inventories and anal-
10 yses for the evaluation of the effects of different
11 land-use patterns on hydrological cycles, water
12 quality, living resources, and other environ-
13 mental features as an aid to making sound
14 land-use management decisions.

15 “(3) MANAGEMENT PLANS.—In a manner con-
16 sistent with each applicable deadline established by
17 the Chesapeake Executive Council, the Adminis-
18 trator, in consultation with the Chesapeake Execu-
19 tive Council, shall assist each signatory jurisdiction
20 of the Chesapeake Bay Council in the development
21 and implementation of a management strategy for
22 each of the major tributaries of the Chesapeake Bay,
23 designed for the achievement of—

24 “(A) a reduction, in a manner consistent
25 with the terms of the Chesapeake Bay Agree-

1 ment, in the quantity of nitrogen and phos-
2 phorous entering the main stem Chesapeake
3 Bay; and

4 “(B) the water quality requirements nec-
5 essary to restore living resources in both the
6 tributaries and the main stem of the Chesa-
7 peake Bay.

8 “(4) ASSISTANCE.—

9 “(A) IN GENERAL.—The Administrator, in
10 consultation with the Chesapeake Executive
11 Council, is authorized to provide technical and
12 financial assistance to any State government,
13 interstate entity, local government, or any other
14 public or nonprofit private agency, institution,
15 or organization in the Chesapeake Bay water-
16 shed to—

17 “(i) support the research, monitoring,
18 and data collection program under this
19 subsection;

20 “(ii) develop and implement coopera-
21 tive tributary basin strategies that address
22 the water quality and living resource
23 needs; and

24 “(iii) encourage and coordinate locally
25 based public and private watershed protec-

1 tion and restoration efforts that aid in the
2 development and implementation of pro-
3 grams that complement the tributary basin
4 strategies developed by the Chesapeake Ex-
5 ecutive Council.

6 “(B) GRANTS.—

7 “(i) IN GENERAL.—In providing fi-
8 nancial assistance pursuant to subpara-
9 graph (A), the Administrator may carry
10 out a grant program. Under the grant pro-
11 gram, the Administrator may award a
12 grant to any person (including the govern-
13 ment of a State) who submits an applica-
14 tion that is approved by the Administrator.

15 “(ii) FEDERAL SHARE.—A grant
16 awarded under this subsection for a fiscal
17 year shall not exceed an amount equal to
18 75 percent of the total annual cost of car-
19 rying out the activities that are the subject
20 of the grant, and be awarded on the condi-
21 tion that the non-Federal share of the
22 costs of the activities referred to in clause
23 (i) is paid from non-Federal sources.

24 “(iii) WATERSHED PROTECTION AND
25 RESTORATION.—As part of the grant pro-

1 gram authorized under this paragraph, the
2 Administrator may award a grant to a sig-
3 natory jurisdiction to implement a program
4 referred to in subparagraph (A)(iii).

5 “(C) PRIORITIZATION.—In carrying out
6 the technical and financial assistance program
7 under this subsection, the Administrator shall
8 give priority to proposals that facilitate the par-
9 ticipation of local governments and entities of
10 the private sector in efforts to improve water
11 quality and the productivity of living resources
12 of rivers and streams in the Chesapeake Bay
13 watershed.

14 “(D) COORDINATION WITH OTHER FED-
15 ERAL PROGRAMS.—The Administrator shall en-
16 sure that assistance made available under this
17 subsection—

18 “(i) is consistent with the require-
19 ments of other Federal financial assistance
20 programs;

21 “(ii) is provided in coordination with
22 the programs referred to in subparagraph
23 (A); and

24 “(iii) furthers the objectives of the
25 Chesapeake Bay Program.

1 “(i) STUDY OF CHESAPEAKE BAY PROGRAM.—Not
2 later than January 1, 1996, the Administrator, in co-
3 operation with the Chesapeake Bay Executive Council,
4 shall complete a study and submit a comprehensive report
5 to Congress on the results of the study. The study and
6 report shall, at a minimum—

7 “(1) evaluate the implementation of the Chesa-
8 peake Bay Agreement, including activities of the
9 Federal Government and State and local govern-
10 ments;

11 “(2) determine whether Federal environmental
12 programs and other activities adequately address the
13 priority needs identified in the Chesapeake Bay
14 Agreement;

15 “(3) assess the priority needs required by the
16 Chesapeake Bay Program management strategies
17 and how the priorities are being met; and

18 “(4) make recommendations for the improved
19 management of the Chesapeake Bay Program.

20 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Environmental
22 Protection Agency to carry out this section \$30,000,000
23 for each of fiscal years 1995 through 2000.”.

1 **SEC. 1004. CLARK FORK-PEND OREILLE WATERSHED PRO-**
2 **GRAM.**

3 Title I (33 U.S.C. 1251 et seq.), as amended by sec-
4 tion 1001, is further amended by adding at the end the
5 following new section:

6 “CLARK FORK-PEND OREILLE WATERSHED PROGRAM

7 “SEC. 125. (a) PROGRAM SUPPORT.—The Adminis-
8 trator shall continue the Clark Fork-Pend Oreille Water-
9 shed Program, developed pursuant to section 525 of the
10 Water Quality Act of 1987 (33 U.S.C. 1375 note).

11 “(b) TRI-STATE IMPLEMENTATION COUNCIL.—

12 “(1) ESTABLISHMENT.—The Administrator
13 shall establish a Tri-State Implementation Council
14 (referred to in this subsection as the ‘Council’) to
15 implement the management plan developed pursuant
16 to section 525 of the Water Quality Act of 1987 (33
17 U.S.C. 1375 note).

18 “(2) MEMBERSHIP OF COUNCIL.—Members of
19 the Council shall include representatives from each
20 affected State (as determined by the Administrator)
21 and shall include, at a minimum, representatives
22 of—

23 “(A) Federal agencies, agencies of States
24 and political subdivisions of States, and Indian
25 tribes;

1 “(B) local watershed management commit-
2 tees; and

3 “(C) the general public and interested
4 parties.

5 “(3) DUTIES OF THE COUNCIL.—The Council
6 shall—

7 “(A) provide interstate and interagency co-
8 ordination for the protection and enhancement
9 of aquatic resources in—

10 “(i) the Clark Fork River and the
11 tributaries of the River in the States of
12 Idaho, Montana, and Washington;

13 “(ii) Lake Pend Oreille in the State of
14 Idaho; and

15 “(iii) the Pend Oreille River and the
16 tributaries of the River in the States re-
17 ferred to in clause (i);

18 “(B) continue the assessment of principal
19 factors having an adverse impact on the aquatic
20 resources of the watershed;

21 “(C) oversee the implementation of the
22 comprehensive interstate watershed manage-
23 ment plan developed pursuant to section 525 of
24 the Water Quality Act of 1987 (33 U.S.C. 1375
25 note);

1 “(D) establish a budget for, and identify
2 sources of funding (including sources of funding
3 from the Federal Government, the governments
4 of States and political subdivisions of States,
5 and private sources) for implementing the plan;

6 “(E) establish a process for citizen involve-
7 ment, including public hearings and a commu-
8 nication plan; and

9 “(F) develop a strategy and timetable for
10 the implementation of identified projects and
11 activities.

12 “(c) REPORT.—Not later than 1 year after the date
13 of enactment of this section and annually thereafter, the
14 Council shall submit a report to the Administrator that—

15 “(1) summarizes the progress made by the
16 Council in implementing the plan;

17 “(2) summarizes any modifications to the plan;
18 and

19 “(3) incorporates specific recommendations con-
20 cerning the implementation of the plan.

21 “(d) REVISED PLAN.—Not later than 5 years after
22 the date of enactment of this section, the Council shall
23 submit a revised watershed plan to the Administrator. The
24 Administrator shall approve the revised plan if the plan
25 is consistent with the requirements of section 321(c). A

1 revised plan approved pursuant to this section shall be
 2 considered to have been approved pursuant to section 321.

3 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 4 are authorized to be appropriated to the Environmental
 5 Protection Agency to carry out this section \$2,000,000 for
 6 each of fiscal years 1995 through 2000.”.

7 **SEC. 1005. GULF OF MAINE.**

8 Title I (33 U.S.C. 1251 et seq.), as amended by sec-
 9 tion 1004, is further amended by adding at the end the
 10 following new section:

11 “GULF OF MAINE

12 “SEC. 126. (a) DEFINITIONS.—As used in this
 13 section:

14 “(1) COMMISSION.—The term ‘Commission’
 15 means the St. Croix International Waterway Com-
 16 mission established under sections 991 et seq. of
 17 title 38 of the Maine State Statutes Annotated.

18 “(2) COUNCIL.—The term ‘Council’ means the
 19 Gulf of Maine Council on the Marine Environment
 20 established under subsection (b).

21 “(3) GULF OF MAINE.—The term ‘Gulf of
 22 Maine’ means the Bay of Fundy and the Gulf of
 23 Maine as well as all the streams, rivers, lakes, and
 24 other bodies of water and the associated land mass
 25 of the bodies of water within the drainage basin of
 26 the Gulf of Maine.

1 “(4) GULF OF MAINE PROVINCE.—The term
2 ‘Gulf of Maine Province’ means a Province in Can-
3 ada that borders on the Gulf of Maine.

4 “(5) GULF OF MAINE STATE.—The term ‘Gulf
5 of Maine State’ means a State that borders on the
6 Gulf of Maine.

7 “(b) GULF OF MAINE COUNCIL.—

8 “(1) ESTABLISHMENT.—There is established a
9 Gulf of Maine Council on the Marine Environment.

10 “(2) MEMBERSHIP.—The Council shall be com-
11 posed of—

12 “(A) 3 representatives from each Gulf of
13 Maine State, appointed by the Governor of the
14 State; and

15 “(B) 3 representatives from each Gulf of
16 Maine Province, appointed by the Premier of
17 the Province.

18 “(3) FUNCTIONS.—The Council shall—

19 “(A) advise Governors and Premiers re-
20 ferred to in paragraph (2) on environmental is-
21 sues, including the protection of the environ-
22 mental quality of the Gulf of Maine ecosystem
23 (including the protection of water and sediment
24 quality);

1 “(B) publish reports on the activities of
2 the Council and environmental trends and con-
3 ditions in the Gulf of Maine pursuant to sub-
4 section (c);

5 “(C) not later than 1 year after the date
6 of enactment of this section, design and begin
7 the implementation of a coordinated monitoring
8 program to provide improved information for
9 decisions concerning environmental quality in
10 the Gulf of Maine;

11 “(D) prepare a Gulf of Maine Environ-
12 mental Protection Plan;

13 “(E) assist in the coordination of activities
14 of Federal agencies, agencies of States and po-
15 litical subdivisions of States, and private orga-
16 nizations with respect to the implementation of
17 the plan for the Gulf of Maine developed under
18 subparagraph (D);

19 “(F) make grants to, or enter into con-
20 tracts or cooperation agreements with, agencies
21 of States or political subdivisions of State agen-
22 cies or other public or nonprofit organizations
23 to carry out projects and programs in a manner
24 consistent with the plan developed pursuant to
25 subparagraph (D);

1 “(G) assess transboundary impacts of var-
2 ious activities on waters of the Gulf of Maine,
3 in cooperation with appropriate officials of the
4 States and provinces, political subdivisions of
5 States and provinces, regional agencies and or-
6 ganizations, and international agencies and or-
7 ganizations; and

8 “(H) organize a Gulf of Maine Advisory
9 Board that represents government, economic,
10 and public, and other nongovernmental inter-
11 ests to oversee development of the plan under
12 subparagraph (D).

13 “(c) REPORTS.—Not later than 18 months after the
14 date of enactment of this section, and biennially there-
15 after, the Council shall submit a report to Congress con-
16 cerning environmental trends and conditions in the Gulf
17 of Maine, the development of the plan referred to in sub-
18 section (b)(3)(D), and the activities of the Council in the
19 development of the plan.

20 “(d) GRANTS.—The Administrator is authorized to
21 make a grant to the Council to support the activities of
22 the Council. Any grant pursuant this subsection shall be
23 made on the condition that not less than 50 percent of
24 the costs of the Council are supported with non-Federal
25 funds.

1 “(e) ST. CROIX INTERNATIONAL WATERWAY COM-
2 MISSION.—

3 “(1) IN GENERAL.—The Administrator may
4 award grants to the St. Croix International Water-
5 way Commission to support the activities of the
6 Commission.

7 “(2) FEDERAL SHARE.—

8 “(A) IN GENERAL.—The Federal share of
9 a grant awarded under this subsection shall be
10 50 percent of the amount of the grant award.

11 “(B) NON-FEDERAL SHARE.—The non-
12 Federal share of a grant awarded under this
13 subsection shall be 50 percent of the amount of
14 the grant award. Any person, including the
15 State of Maine, the Province of New Bruns-
16 wick, the Government of Canada, or any politi-
17 cal subdivision thereof, may pay the non-Fed-
18 eral share.

19 “(3) REPORTS.—

20 “(A) SUBMISSION BY COMMISSION.—As a
21 condition of receiving a grant award under this
22 subsection, the Commission shall submit to the
23 Administrator, by a date specified by the Ad-
24 ministrator, an annual report on the activities

1 of the Commission and the use by the Commis-
2 sion of the grant award.

3 “(B) SUBMISSION BY ADMINISTRATOR.—

4 As soon as practicable after receipt of the re-
5 port under subparagraph (A), the Adminis-
6 trator shall submit a copy of the report and any
7 written recommendations concerning the report
8 to the Committee on Environment and Public
9 Works of the Senate and the Committee on
10 Public Works and Transportation of the House
11 of Representatives.

12 “(4) AUTHORIZATION OF APPROPRIATIONS.—

13 There are authorized to be appropriated to the Envi-
14 ronmental Protection Agency to carry out this sub-
15 section \$100,000 for each of fiscal years 1995
16 through 2000.

17 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Environmental
19 Protection Agency for each of fiscal years 1995 through
20 2000 such sums as are necessary to establish and carry
21 out the functions of the Gulf of Maine Council.”.

22 **SEC. 1006. MISSISSIPPI RIVER.**

23 Title I (33 U.S.C. 1251 et seq.), as amended by sec-
24 tion 1005, is further amended by adding at the end the
25 following new section:

1 “MISSISSIPPI RIVER

2 “SEC. 127. (a) DEFINITIONS.—As used in this
3 section:

4 “(1) FEDERAL AGENCY.—The term ‘Federal
5 agency’ means the Environmental Protection Agen-
6 cy, the Army Corps of Engineers, the Soil Conserva-
7 tion Service of the Department of Agriculture, the
8 United States Geological Survey of the Department
9 of the Interior, the National Park Service, the Unit-
10 ed States Coast Guard, the United States Fish and
11 Wildlife Service, and any other Federal agency with
12 a significant interest in Mississippi River resources.

13 “(2) MISSISSIPPI RIVER STATE.—The term
14 ‘Mississippi River State’ means Arkansas, Illinois,
15 Iowa, Kentucky, Louisiana, Minnesota, Mississippi,
16 Missouri, Tennessee, or Wisconsin.

17 “(3) NONGOVERNMENTAL ORGANIZATION.—
18 The term ‘nongovernmental organization’ means a
19 citizen, environmental, or tribal organization or any
20 other nongovernmental organization with a signifi-
21 cant interest in Mississippi River resources.

22 “(4) QUASI-GOVERNMENTAL ORGANIZATION.—
23 The term ‘quasi-governmental organization’ means
24 the Upper Mississippi Basin Association, the Mis-
25 sissippi Interstate Cooperative Resource Agreement,

1 the Upper Mississippi River Conservation Commit-
2 tee, the Lower Mississippi Delta Center, and any
3 other organization with a significant interest in Mis-
4 sissippi River resources.

5 “(5) SECRETARY.—The term ‘Secretary’ means
6 the Secretary of the Interior.

7 “(b) MISSISSIPPI RIVER PROGRAM.—Not later than
8 180 days after the date of enactment of this section, the
9 Administrator shall establish within the Agency a Mis-
10 sissippi River Program to—

11 “(1) report on the assessment of trends in envi-
12 ronmental quality, including air and water, natural
13 resources, and uses of the Mississippi River;

14 “(2) collaborate with Mississippi River States,
15 quasi-governmental organizations, nongovernmental
16 organizations, and Federal agencies to collect, orga-
17 nize, characterize, and assess data on toxic pollut-
18 ants, nutrients, pathogens, and natural resources
19 within the Mississippi River basin and to identify the
20 causes of environmental problems;

21 “(3) collaborate in the development of a Man-
22 agement, Protection, and Restoration Plan pursuant
23 to subsection (h);

24 “(4) monitor the effectiveness of actions taken
25 pursuant to the Plan;

1 “(5) develop and implement educational and
2 training programs and research programs to assist
3 in the efforts of State and local governments, non-
4 governmental organizations, and private citizens to
5 enhance the environmental quality of the Mississippi
6 River, including monitoring, mapping, and restora-
7 tion; and

8 “(6) provide other necessary activities to pro-
9 tect and restore the Mississippi River.

10 “(c) PROGRAM OFFICE.—There is established within
11 the Agency a Mississippi River Program Office (referred
12 to in this section as the ‘Program Office’). The Program
13 Office shall be located in a Mississippi River State. The
14 Program Office shall be headed by a Director, who shall
15 be appointed by the Administrator. The Administrator
16 shall delegate to the Director such authority as may be
17 necessary to carry out the duties of the Director under
18 this section.

19 “(d) FISH AND WILDLIFE SERVICE PROGRAM.—Not
20 later than 180 days after the date of enactment of this
21 section, the Secretary shall establish the administrative
22 structure within the United States Fish and Wildlife
23 Service to—

24 “(1) report on the assessment of trends in eco-
25 system health of the Mississippi River;

1 “(2) collaborate with the Program Office, the
2 Mississippi River States, quasi-governmental organi-
3 zations, nongovernmental organizations, and Federal
4 agencies to collect, characterize, and assess data on
5 habitat loss and alteration and natural resources
6 within the Mississippi River basin and to identify the
7 causes of ecological problems; and

8 “(3) collaborate in the development of a Man-
9 agement, Protection, and Restoration Plan pursuant
10 to section (h).

11 “(e) ASSESSMENT.—Not later than 1 year after the
12 date of enactment of this section, the Administrator and
13 the Director of the United States Fish and Wildlife Serv-
14 ice, in consultation with the heads of other Federal agen-
15 cies and the Mississippi River States, shall prepare a re-
16 port on the assessment of the environmental quality and
17 ecosystem health of the Mississippi River and the impact
18 of the environmental quality and ecosystem health of the
19 river on the economic viability human health of the citi-
20 zenry in, the Mississippi River States, and ecological
21 health of plants and animals that depend on the Mis-
22 sissippi River and the banks of the river for habitat. The
23 report shall—

1 “(1) describe the then existing state of knowl-
2 edge concerning the environmental quality and eco-
3 system health of the Mississippi River;

4 “(2) include an inventory of relevant environ-
5 mental research and monitoring programs;

6 “(3) identify gaps in knowledge and research
7 needed for the development and implementation of
8 the Plan developed pursuant to subsection (h); and

9 “(4) assess the economic importance and con-
10 tributions of the Mississippi River to the Mississippi
11 River States and to the United States, and identify
12 environmental problems relevant to the Mississippi
13 River that pose a threat to the contributions de-
14 scribed in this paragraph.

15 “(f) MONITORING.—The Administrator, in conjunc-
16 tion with the Secretary of the Interior and the Mississippi
17 River States, shall design a strategy for developing a co-
18 ordinated monitoring program to assess the environmental
19 quality of the Mississippi River ecosystem. The strategy
20 shall include activities for collecting and evaluating data
21 concerning concentrations, sources, and pathways of
22 pollutants.

23 “(g) MISSISSIPPI RIVER STATES COUNCIL.—The
24 Governors of the Mississippi River States and the Sec-
25 retary and Administrator, or the designees of such individ-

1 uals, shall assemble to form a Mississippi River States
2 Council. The purpose of the Council shall be to—

3 “(1) assist in collecting the assessment and
4 monitoring data required pursuant to subsections (e)
5 and (f);

6 “(2) develop and ratify a Management, Protec-
7 tion, and Restoration Plan required by subsection
8 (h);

9 “(3) create an advisory committee, to assist the
10 Council in the development of the Plan, composed of
11 representatives from other Federal agencies, quasi-
12 governmental organizations, and nongovernmental
13 organizations; and

14 “(4) facilitate the collaboration, cooperation,
15 and coordination among programs and activities of
16 Federal, State, and local departments and agencies
17 and quasi-governmental and nongovernmental orga-
18 nizations on issues related to the restoration of envi-
19 ronmental quality and aquatic resources of the Mis-
20 sissippi River.

21 “(h) MANAGEMENT, PROTECTION, AND RESTORA-
22 TION PLAN.—

23 “(1) IN GENERAL.—The Mississippi River
24 States Council, with the concurrence of the advisory
25 committee referred to in subsection (g)(3), and in

1 consultation with appropriate officials of local agen-
2 cies, institutions of higher education, private indus-
3 tries, and nonprofit research organizations shall de-
4 velop a Management, Protection, and Restoration
5 plan for the Mississippi River (referred to in this
6 section as the ‘Plan’). The Plan shall recommend
7 priority actions and milestones to, by the year 2010,
8 restore and protect the environmental quality and
9 ecosystem health of the Mississippi River. To the ex-
10 tent feasible, the Plan shall include numeric or oth-
11 erwise quantifiable goals, including—

12 “(A) acres of riparian and wetlands areas
13 to be restored; and

14 “(B) percentage reductions in loadings of
15 pollutants (including toxic compounds identified
16 as priorities), pesticides, nutrients, and sedi-
17 ments.

18 “(2) CONTENTS OF THE PLAN.—The Plan
19 shall—

20 “(A) outline specific activities to be con-
21 ducted under the Mississippi River Program by
22 the Administrator and the Director of the Unit-
23 ed States Fish and Wildlife Service;

24 “(B) provide cooperative activities under
25 the Program Office and the United States Fish

1 and Wildlife Service with Federal, State, and
2 local departments or agencies and quasi-govern-
3 mental organizations;

4 “(C) set forth recommendations for the
5 most cost effective actions by Federal, State,
6 and local agencies to prevent, abate, or remedi-
7 ate pollution or to otherwise improve the envi-
8 ronmental quality, ecosystem health, and eco-
9 nomic viability of the Mississippi River system;

10 “(D) set priorities for actions to be under-
11 taken by Federal, State, and local agencies
12 based on the greatest risks to human and bio-
13 logical health and the environment; and

14 “(E) include activities for monitoring the
15 effectiveness of the actions described in the
16 Plan.

17 “(3) IMPLEMENTATION.—Pursuant to para-
18 graph (1), the Plan shall identify—

19 “(A) the Federal, State, or local agency re-
20 sponsible for the implementation of each meas-
21 ure or project;

22 “(B) any required changes in Federal,
23 State, or local laws or regulations;

24 “(C) the time period necessary for carrying
25 out each measure or project;

1 “(D) the resources necessary for conduct-
2 ing the Plan; and

3 “(E) any other actions that are necessary
4 to implement the Plan.

5 “(4) PUBLIC PARTICIPATION.—To the maxi-
6 mum extent practicable, the Administrator and the
7 Secretary shall involve the public in the development
8 of the Plan. The public shall also be consulted as the
9 implementation of the Plan proceeds.

10 “(5) PLAN APPROVAL.—Not later than 1 year
11 after the date of development of the Plan, and after
12 notice and opportunity for public comment, the Ad-
13 ministrator and Secretary shall approve the Plan if
14 the plan meets the requirements of this section, and
15 other Federal statutes.

16 “(6) PLAN REVIEW.—The approved Plan shall
17 be reviewed, updated, and approved pursuant to the
18 procedures and requirements of this section on the
19 date that is 3 years after the date of initial approval,
20 and every 5 years thereafter.

21 “(i) GRANTS.—The Administrator, in consultation
22 with the Secretary, is authorized to make grants to a Mis-
23 sissippi State, group of States, quasi-governmental organi-
24 zations, or nongovernmental organizations for the purpose
25 of furthering the development and implementation of the

1 Plan developed pursuant to subsection (h). A grant made
2 under this subsection may be used to conduct monitoring
3 and assessment activities, support development of the
4 Plan, and carry out the Plan, including assistance to any
5 program, project, or activity identified in the Plan. Not
6 more than 50 percent of the cost of any program, project,
7 or activity receiving assistance pursuant to this subsection
8 may paid for from Federal funds.

9 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to the Administrator to
11 carry out this section \$15,000,000 for each of fiscal years
12 1995 through 2000. There are authorized to be appro-
13 priated to the Secretary to carry out this section
14 \$5,000,000 for each of fiscal years 1995 through 2000.”.

15 **SEC. 1007. LONG ISLAND SOUND.**

16 (a) MANAGEMENT CONFERENCE; AUTHORIZATION
17 OF APPROPRIATIONS.—

18 (1) IN GENERAL.—Section 119(e) (33 U.S.C.
19 1269(e)) is amended by striking “1996” each place
20 it appears and inserting “2000”.

21 (2) AUTHORIZATION FOR GRANTS.—Section
22 119(e)(2) (33 U.S.C. 1269(e)(2)) is amended by
23 striking “\$3,000,000” and inserting “\$6,000,000”.

1 (b) CONNECTICUT RIVER WATERSHED MANAGE-
2 MENT.—Section 119 (33 U.S.C. 1269) is amended by add-
3 ing at the end the following new subsection:

4 “(f) CONNECTICUT RIVER WATERSHED MANAGE-
5 MENT.—

6 “(1) DESIGNATION.—The Connecticut River
7 and the watershed of the Connecticut River in the
8 States of Vermont, New Hampshire, Massachusetts,
9 and Connecticut are designated as a multistate wa-
10 tershed.

11 “(2) COORDINATION.—

12 “(A) IN GENERAL.—The New England
13 Interstate Water Pollution Commission (re-
14 ferred to in this subsection as the ‘Commis-
15 sion’) shall coordinate State and interstate ef-
16 forts with respect to the management of the
17 Connecticut River watershed described in para-
18 graph (1).

19 “(B) LEAD AGENCIES.—Each Governor of
20 a State referred to in paragraph (1) shall ap-
21 point a State environmental agency to serve as
22 a lead agency to cooperate with the Commission
23 in the coordination of watershed management,
24 assessment, and planning activities.

1 “(C) INCLUSION OF CERTAIN ENTITIES.—

2 The appropriate Federal and State commis-
3 sions, studies, and initiatives shall be included
4 in the coordination of activities carried out pur-
5 suant to subparagraph (B).

6 “(3) WATERSHED MANAGEMENT PLANNING.—

7 “(A) IN GENERAL.—The Commission shall
8 coordinate new, existing, and ongoing planning
9 efforts and activities.

10 “(B) WATERSHED MANAGEMENT PLAN.—

11 The Commission shall coordinate the develop-
12 ment of a 5-year watershed management plan
13 that meets the requirements of section 321.

14 “(C) REPORT.—Not later than 3 years
15 after the date of enactment of this subsection,
16 the Commission shall submit a watershed man-
17 agement plan required under this paragraph to
18 the Administrator.

19 “(4) AUTHORIZATION OF APPROPRIATIONS.—

20 There are authorized to be appropriated to the Com-
21 mission to carry out this subsection \$500,000 for
22 each of fiscal years 1995 through 1997.”.

1 **SEC. 1008. NARRAGANSETT BAY.**

2 Title I (33 U.S.C. 1251 et seq.), as amended by sec-
3 tion 1006, is further amended by adding at the end the
4 following new section:

5 “NARRAGANSETT BAY PROJECT

6 “SEC. 128. (a) IN GENERAL.—The Administrator
7 shall make grants under this section to maintain the Nar-
8 ragansett Bay Project (referred to in this section as the
9 ‘Project’) and to implement the comprehensive conserva-
10 tion and management plan for Narragansett Bay ap-
11 proved under section 320.

12 “(b) ADVISORY COUNCIL.—The Project shall estab-
13 lish an advisory council. The Project shall invite participa-
14 tion by the Governors of the States of Rhode Island and
15 Massachusetts, 4 members of the legislature of the State
16 of Rhode Island, 4 members of the legislature of the State
17 of Massachusetts representing legislative districts within
18 the Narragansett Bay watershed, 6 elected officials of
19 local government in the Narragansett Bay watershed, and
20 4 individuals representing organizations in the nonprofit
21 and private sector with expertise in matters relating to
22 water quality and the living resources of Narragansett
23 Bay. The Administrator of the Environmental Protection
24 Agency and the Administrator of the National Oceanic
25 and Atmospheric Administration shall also appoint rep-
26 resentatives to serve on the Council. The Council may di-

1 rect staff of the Project to establish citizen and technical
2 advisory committees to assist the Council and the Project
3 in carrying out the plan.

4 “(c) DUTIES.—The Project shall facilitate the imple-
5 mentation of the comprehensive conservation and manage-
6 ment plan for Narragansett Bay approved under section
7 320 with Federal, State, and local agencies to conduct re-
8 search, assessment, monitoring, education, technical as-
9 sistance, and other activities to facilitate the implementa-
10 tion of the plan and make grants or enter into contracts
11 to carry out projects identified as priorities in the plan
12 or by the Council with funds provided by the Adminis-
13 trator under this section.

14 “(d) PROJECT GRANTS.—The Administrator is au-
15 thorized to make grants or to enter into contracts or coop-
16 erative agreements with State or local government agen-
17 cies or other public or nonprofit organizations to carry out
18 projects identified as priorities in the plan referred to in
19 subsection (c) or by the Council and to carry out the func-
20 tions as identified in subsection (c). Any grant made, or
21 contract or cooperative agreement entered into, pursuant
22 to this subsection shall be on the condition that not less
23 than 50 percent of the project costs are provided from
24 non-Federal funds.

1 “(e) AUTHORIZATION.—There are authorized to be
2 appropriated to the Administrator to carry out this section
3 \$6,000,000 per year for each of the fiscal years 1995
4 through 2000.”.

5 **SEC. 1009. SAN FRANCISCO BAY-DELTA ESTUARY.**

6 Title I (33 U.S.C. 1251 et seq.), as amended by sec-
7 tion 1008, is further amended by adding at the end the
8 following new section:

9 “SAN FRANCISCO BAY-DELTA ESTUARY

10 “SEC. 129. (a) ESTABLISHMENT OF EXECUTIVE
11 COUNCIL.—The Administrator shall establish an Execu-
12 tive Council of the San Francisco Bay-Delta Estuary Res-
13 toration Program (referred to in this section as the ‘Exec-
14 utive Council’).

15 “(b) EXECUTIVE COUNCIL.—

16 “(1) DUTIES.—The Executive Council shall
17 oversee and coordinate the implementation of the
18 Comprehensive Conservation and Management Plan
19 for the San Francisco Bay-Delta Estuary developed
20 pursuant to section 320 (referred to in this section
21 as the ‘Comprehensive Plan’).

22 “(2) MEMBERSHIP.—The Executive Council
23 shall be appointed by the Administrator as rec-
24 ommended in the Comprehensive Plan.

25 “(3) IMPLEMENTATION COMMITTEE.—The Ex-
26 ecutive Council shall establish an Implementation

1 Committee to provide assistance to the Council in
2 carrying out the duties of the Council and imple-
3 menting the comprehensive plan referred to in para-
4 graph (1). The Implementation Committee shall be
5 composed of no more than 25 members including the
6 following:

7 “(A) Members appointed by the Executive
8 Council from among individuals who are rep-
9 resentatives of local, State, and Federal agen-
10 cies involved in implementing the Comprehen-
11 sive Plan.

12 “(B) 3 members appointed by the Execu-
13 tive Council from among individuals rec-
14 ommended by the environmental representatives
15 on the Management Committee of the San
16 Francisco Estuary Project to represent the San
17 Francisco Bay-Delta Estuary environmental
18 community.

19 “(C) 3 members appointed by the Execu-
20 tive Council from among individuals rec-
21 ommended by the business, water use, and dis-
22 charger representatives on the Management
23 Committee of the San Francisco Estuary
24 Project to represent the San Francisco Bay-

1 Delta business, water use, and discharger com-
2 munities.

3 “(D) 1 member appointed by the Executive
4 Council from among individuals recommended
5 by the fisheries representatives on the Manage-
6 ment Committee of the San Francisco Estuary
7 Project to represent fisheries.

8 “(4) EVALUATION AND REPORTING.—Not later
9 than 2 years after the date of approval of the Com-
10 prehensive Plan, and biennially thereafter, the Exec-
11 utive Council shall issue a public report to the Ad-
12 ministrator, the Governor of California, and Con-
13 gress, that—

14 “(A) evaluates the progress made in imple-
15 menting the Comprehensive Plan;

16 “(B) identifies anticipated priorities and
17 needs for future implementation of the Com-
18 prehensive Plan;

19 “(C) specifies recommendations and jus-
20 tification for potential modifications to the
21 Comprehensive Plan; and

22 “(D) summarizes any modifications to the
23 Comprehensive Plan that may have been ap-
24 proved in the 2-year period immediately preced-
25 ing the report.

1 “(c) GRANTS.—

2 “(1) IN GENERAL.—The Administrator may
3 make grants for projects and studies that will sup-
4 port the implementation of the Comprehensive Plan,
5 following approval of the Plan by the Administrator.

6 “(2) PRIORITY.—In making grants under this
7 subsection, priority consideration shall be given to—

8 “(A) establishing the San Francisco Estu-
9arine Institute to coordinate implementation of
10 the research and monitoring program of the
11 Comprehensive Plan;

12 “(B) activities to conduct the public in-
13 volvement and education program of the Com-
14 prehensive Plan; and

15 “(C) other activities contained in the Com-
16 prehensive Plan that are identified as priority
17 activities by the Implementation Committee and
18 the Executive Council.

19 “(3) FEDERAL SHARE.—Grants made pursuant
20 to this subsection shall be made on the condition
21 that not less than 50 percent of the costs of a
22 project or study are provided from non-Federal
23 funds.

24 “(d) AUTHORIZATION.—There are authorized to be
25 appropriated to the Environmental Protection Agency to

1 carry out this section \$6,000,000 for each of fiscal years
 2 1995 through 2000.”.

3 **SEC. 1010. LAKE CHAMPLAIN.**

4 Section 120(i) (33 U.S.C. 1270(i)) is amended by
 5 striking “each of fiscal years 1991, 1992, 1993, 1994, and
 6 1995” and inserting “each of fiscal years 1991 through
 7 2000”.

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